

INTRODUCTION

The Constitution of India was adopted on 26th January, 1950 after years of debate and drafting by the Constituent Assembly which consisted of various scholars and representatives of various sections of the Indian society. The Indian Constitution is the longest written Constitution in the world and consists of 448 articles, which are grouped into 25 parts. With 12 schedules and five appendices. The Indian Constitution is the supreme law of the country and thus is basis of all governance in the country.

The Constitution restricts and prevents the government from going against the democratic character of the nation and balances powers to not let arbitrary usage of power happen. India is a nation with a strong parliamentary structure and all legislative decisions are taken by such group of elective representatives at centre and state levels. The Constitution can be called the safeguard of the rudimentary character of the modern Indian democracy.

The legislature in India is responsible for formulating new laws, amending the old ones and in some cases squashing irrelevant ones. The Constitution, inherently being a legislation can also be amended. The amendability of the Constitution clearly raises the issue of there being a chance of misuse of powers given to the government in order to destroy the democratic values of the nation. The government's powers to amend the constitution has always been a question of debate and has been greatly disputed over the years. Various amendments have been challenged in the past and the judiciary has stepped in as the custodian of the Constitution to give various principles as to the government's powers in this case and also to protect the values upon which India persists.

Article 368 of the Indian Constitution talks about the power given to the government to amend the Constitution. It provides for the parliament to amend, add or repeal any provision of the Constitution by introducing a bill in either of the houses of the Parliament and the said bill needs to be passed with special majority (two-thirds) of the total membership of the house and the upon the assent of the President, the provisions of the Constitution will be said to be amended in accordance with the bill. Under Article 368, ratification of one-half states needs to be taken in case of matters related to state list or certain objects mentioned under said article. Herein, there is no criteria to decide upon the validity or the constitutionality of the amendments in terms of the Constitution and its essence and thus the interpretations and doctrines propounded by the judiciary are majorly enforced as restrictions and basis of testing the constitutionality of an amendment.

AMENDING OF CONSTITUTION IN OTHER COUNTRIES

The Indian Constitution is a rather modern and young Constitution in comparison to other common law countries like the United States of America and the United Kingdom. India has been held to be a

unitary federal country^[1], i.e. the Centre can overpower the State in case of conflict but there is also separation of powers which differentiates areas of governance into lists under Schedule VII of the Constitution and in case of amendments made to certain provisions of the Constitution, ratification of half of the states is needed for said bill to pass. This makes the states a part of the amending procedure in certain cases and the participation of the states is eminent in passing of said amendments.

In the United States, the authority to amend the Constitution is derived from Article V of the Constitution. After Congress proposes an amendment, the Archivist of the United States, who heads the National Archives and Records Administration (NARA), is charged with responsibility for administering the ratification process under the provisions of 1 U.S.C. 106b. The Constitution provides that an amendment may be proposed either by the Congress with a two-thirds majority vote in both the House of Representatives and the Senate or by a constitutional convention called for by two-thirds of the State legislatures. None of the 27 amendments to the Constitution have been proposed by constitutional convention. The Congress proposes an amendment in the form of a joint resolution. Since the President does not have a constitutional role in the amendment process, the joint resolution does not go to the White House for signature or approval. Thirty-three amendments to the United States Constitution have been proposed by the United States Congress and sent to the states for ratification since the Constitution was put into operation on March 4, 1789. Twenty-seven of these, having been ratified by the requisite number of states, are part of the Constitution. The first ten amendments were adopted and ratified simultaneously and are known collectively as the Bill of Rights. Six amendments adopted by Congress and sent to the states have not been ratified by the required number of states. Four of these amendments are still technically open and pending, one is closed and has failed by its own terms, and one is closed and has failed by the terms of the resolution proposing it.

The Constitution of United Kingdom can be called to be a flexible one. A flexible constitution is one that may be amended by a simple act of the legislature, in the same way as it passes ordinary laws. The 'uncodified' constitution of the United Kingdom consists partly of important statutes, and partly of certain unwritten conventions. The statutes that make up the United Kingdom constitution can be amended by a simple act of Parliament. United Kingdom constitutional conventions are held to evolve organically over time.

On comparison of the amending procedures in relation to the Constitutions of the three countries, it can clearly be seen the United States' procedure is the most time consuming and difficult based upon the sheer need for every amendment needing states' ratification. The Indian procedure is in between then other two countries in terms of the difficulty involved as to the amending of Constitution as the

Centre has all power to amend the Constitution and the ratification of states is only needed on certain amendments involving the interests of the state governments. This makes the procedure less time consuming than the one in United States. The procedure in the United Kingdom is the least time consuming and easiest of the three. The Constitution of United Kingdom is not a written document and the political set up of United Kingdom leads to there being no need for state participation per se. The House of Commons and House of Lords can vote and make decisions and thus there isn't a case wherein a bill proposing the amendment may not be ratified. This comparison clearly reflects upon the political character of the nations and the working of the government there.

EVOLUTION OF AMENDABILITY OF INDIAN CONSTITUTION

There isn't a set limit as to the powers of the government in terms of the amending powers in relation to the Constitution. This has led to a lot of disagreements since the adoption of the Constitution between the legislature and the judiciary. The judiciary has acted as the custodian of the Constitution and protected it from being destroyed by arbitrary amendments done by the legislature.

The question as to limitation on the powers of the government has been brought before the court and there have been a series of overruled judgements until the landmark judgment of Kesavananda Bharati v. State of Kerala^[iii]. The interpretation used by the court herein considers the Constitution as a dynamic body and gives the government powers to amend it whilst keeping the basic essence of the legislation alive and protecting the values upon which it was drafted by the Constituent assembly.

In the cases of Shankari Prasad Singh Deo v. Union of India^[iii] and Sajjan Singh v. State of Rajasthan^[iv], the Supreme court ruled in favour of government giving them unlimited powers to amend the Constitution. It was further held that Constitutional amendments under Article 368 were said to be outside the definition of 'law' under Article 13 (2).

In the case of Golaknath v. State of Punjab^[v], Constitutional amendments under Article 368 were held to be within the meaning of 'law' under Article 13 and the government had limited powers as to the amendability of the Part III of the Constitution. This judgement overruled the previous judgements and put restrictions upon the amendability of the Constitution.

Requirement of the Constitutional Amendment

The necessity for the Amendment of the Constitution can be emphasized as follows:

- If there had been no provision of the amendment, the people and the leaders would have adhered to some extra constitutional mean like revolution, violence and so on there by diluting the very constitution per se.

- Provisions for amendment of the constitution is made with a view to overcome the difficulties which may encounter in future in the working of the constitution.
- It is also necessary in order to fix loop holes at the time of constitution enactment
- Ideals, priorities and vision of the people vary greatly generation to generation. In order to incorporate these, amendment is desirable.

Procedures for Amending the Constitution

Constitution can be amended by various methods namely, simple majority, special majority, and ratification by at least half the states. Constitutional amendment under article 368 is considered as the core amendment procedure in the Indian constitution, whose procedure can be explained as follows-

- It can be laid in any house of the parliament
- It cannot be introduced in state legislature
- The bill can be introduced either by a minister or a private member
- The permission of president is not required to introduce the bill in either house of the parliament
- The bill must be passed by each house separately
- It should be passed by special majority (2/3rd of members present and voting and not less than 50% of total strength)
- The ratification by at least half of the state is imperative in case of amendment of any federal feature of the Indian constitution
- After all the above steps, the bill is presented before president where he has no option but to sign. However, the time period has not been set for the president to act on the bill
- Once the president gives his assent, the bill becomes an act

Types of Amendments

Under the ambit of article 368 of the constitution, there are two types of amendment to the constitution of India.

1. Special Majority of Parliament only
2. Special Majority of parliament along with the ratification of half of the states by a simple majority.

Criticisms of the Amendment of the Constitution are as follows:

1. India doesn't have any permanent constitutional amendment body unlike many other countries and all the effort is carried by relatively naïve and amateur parliament
2. State legislature, except having the power to initiate the establishment or abolition of legislative council, do not have any other scope of initiating amendment procedure. This makes the Indian constitution a monopoly of centre as well as makes it too rigid for the states.
3. The existence of two houses of the parliament makes it difficult to pass the constitutional amendment act owing to disagreement between the two houses.
4. There is hardly any difference between normal legislative function and constitutional amendment function.
5. There are too much of loop holes. For instance, there is a possibility of amending the presidential impeachment process reducing 2/3rd of total strength to 2/3rd of present and voting and hence in case the ruling party if unable to muster 2/3rd majority of total strength it can always devise such a technique to suit his way.
6. There is no time frame for state legislature to ratify
7. There is no time frame for the president to give his assent

Describing the constitutional amendment procedure of the Indian constitution, K.G. Balakrishnan (former CJI) has rightly said that amending the Constitution strikes a good balance between flexibility and rigidity. Moreover, Granville Austin, a renowned scholar of the Indian Constitution said, "The amending process has proved itself as one of the most ably conceived aspects of the constitution. Although it appears complicated, it is merely diverse."

Can Fundamental Rights Be Amended?

Shankar Prasad vs. the Union of India, 1951

The court held that the word 'law' in [Article 13](#) does not include the amendment of the Constitution. Therefore Fundamental Rights can be amended under Article 368. The same was approved in the case of Sajjan Singh vs. State of Rajasthan, 1965.

Golak Nath vs. State of Punjab, 1967

The Supreme Court, with the majority view, said that Fundamental Rights are out of the reach of the Parliament. The court emphasized that Article 368 does not give power to the Parliament but merely provides procedure as to how to amend. The Parliament's power to amend the constitutional provisions is not under [Article 368](#) but in [Article 245](#). As we have read earlier that amending the Constitution is a legislative process whereas Article 368 provides only the procedure to amend. The court said that the amendment is a law within [Article 13](#), and if in any case violates Fundamental Rights, then it shall be void or unconstitutional.

24th Amendment Act, 1971

This amendment was an answer to the decision made in Golak Nath's case. It sought to reverse the ruling of Golak Nath's case. It inserted clause 4 in [Article 13](#), which stated that Article 13 would not apply to any amendment made under Article 368. This amended the text of [Article 368](#). Before this amendment, Article 368 provided only for the procedure for amendment. Later it changed to "empower the Parliament to amend and procedure therefor."

Keshavanand Bharati Case

The Supreme Court said that the Parliament has powers to amend the Constitution but not its basic structure. The basic features are those supporting pillars of the Constitution without which the Constitution cannot stand. The Parliament can under Article 368 amend any provision but not its basic features.

List of Amendments

No.	Amendments	Enforced since	Objectives	Prime Minister	President
1st	15, 19, 85, 87, 174, 176, 341, 342, 372 and 376. Insert	18 June 1951 [6]	Added special provision for the advancement of any socially and educationally backward classes or for the Scheduled Castes and Scheduled Tribes (SCs and STs). To fully secure the constitutional validity of zamindari	Jawahar Lal Nehru	Rajendra Prasad

No.	Amendments	Enforced since	Objectives	Prime Minister	President
	articles 31A and 31B. Insert schedule 9.		abolition laws and to place reasonable restriction on freedom of speech. A new constitutional device, called Schedule 9 introduced to protect against laws that are contrary to the Constitutionally guaranteed fundamental rights . These laws encroach upon property rights, freedom of speech and equality before law.		
2nd	Amend article 81(1)(b).	1 May 1953	Removed the upper population limit for a parliamentary constituency by amending Article 81(1)(b).		
3rd	Amend schedule 7.	22 February 1955	Re-enacted entry 33 of the Concurrent List in the Seventh Schedule with relation to include trade and commerce in, and the production, supply and distribution of four classes of essential commodities, viz., foodstuffs, including edible oil seeds and oils; cattle fodder, including oilcakes and other concentrates; raw cotton whether ginned or unginned, and cotton seeds; and raw jute.		
4th	Amend articles 31, 35 and 305.	27 April 1955	Restrictions on property rights and inclusion of related bills in Schedule 9 of the constitution.		

No.	Amendments	Enforced since	Objectives	Prime Minister	President
	Amend schedule 9.				
5th	Amend article 3.	24 December 1955	Empowered the President to prescribe a time limit for a State Legislature to convey its views on proposed Central laws relating to the formation of new States and alteration of areas, boundaries or names of existing States . Also permitted the President to extend the prescribed limit, and prohibited any such bill from being introduced in Parliament until after the expiry of the prescribed or extended period.		
6th	Amend articles 269 and 286. Amend schedule 7.	11 September 1956	Amend the Union List and State List with respect to raising of taxes.		
7th	Amend articles 1, 3, 49, 80, 81, 82, 131, 153, 158, 168, 170, 171, 216, 217, 220, 222, 224,	1 November 1956	Reorganisation of states on linguistic lines, abolition of Class A, B, C, D states and introduction of Union territories .		

N o.	Amend ments	Enforced since	Objectives	Prim e Minis ter	Preside nt
	230, 231 and 232. Insert articles 258A, 290A, 298, 350A, 350B, 371, 372A and 378A. Amend part 8. Amend schedules 1, 2, 4 and 7.				
8th	Amend article 334.	5 January 1960	Extended the period of reservation of seats for the Scheduled Castes and Scheduled Tribes and Anglo-Indians in the Lok Sabha and the State Legislative Assemblies till 1970.		
9th	Amend schedule 1.	28 December 1960	Minor adjustments to territory of Indian Union consequent to agreement with Pakistan for settlement of disputes by demarcation of border villages, etc.		

No.	Amendments	Enforced since	Objectives	Prime Minister	President
10th	Amend article 240. Amend schedule 1.	11 August 1961	Incorporation of Dadra and Nagar Haveli as a Union Territory, consequent to acquisition from Portugal.		
11th	Amend articles 66 and 71.	19 December 1961	Election of Vice President by Electoral College consisting of members of both Houses of Parliament, instead of election by a Joint Sitting of Parliament. Indemnify the President and Vice President Election procedure from challenge on grounds of existence of any vacancies in the electoral college.		
12th	Amend article 240. Amend schedule 1.	20 December 1961	Incorporation of Goa, Daman and Diu as a Union Territory, consequent to acquisition from Portugal.		
13th	Amend article 170. Insert new article 371A.	1 December 1962	Formation of State of Nagaland, with special protection under Article 371A.		Sarvepalli Radhakrishnan
14th	Amend articles 81 and 240. Insert article	28 December 1962	Incorporation of Pondicherry into the Union of India and creation of Legislative Assemblies for Himachal Pradesh, Tripura, Manipur and Goa.		

No.	Amendments	Enforced since	Objectives	Prime Minister	President
	239A. Amend schedules 1 and 4.				
15th	Amend articles 124, 128, 217, 222, 224, 226, 297, 311 and 316. Insert article 224A. Amend schedule 7.	5 October 1963	Raise retirement age of High Court judges from 60 to 62 and other minor amendments for rationalising interpretation of rules regarding judges etc.		
16th	Amend articles 19, 84 and 173. Amend schedule 3.	5 October 1963	Make it obligatory for seekers of public office to swear their allegiance to the Indian Republic and prescribe the various obligatory templates.		
17th	Amend article 31A. Amend schedule 9.	20 June 1964	To secure the constitutional validity of acquisition of Estates and place land acquisition laws in Schedule 9 of the constitution.		

No.	Amendments	Enforced since	Objectives	Prime Minister	President
18th	Amend article 3.	27 August 1966	Technical Amendment to include Union Territories in Article 3 and hence permit reorganisation of Union Territories.		
19th	Amend article 324.	11 December 1966	Abolish Election Tribunals and enable trial of election petitions by regular High Courts.		
20th	Insert article 233A.	22 December 1966	Indemnify & validate judgments, decrees, orders and sentences passed by judges and to validate the appointment, posting, promotion and transfer of judges barring a few who were not eligible for appointment under article 233. Amendment needed to overcome the effect of judgment invalidating appointments of certain judges in the state of Uttar Pradesh.	Lal Bahadur Shastri	
21st	Amend schedule 8.	10 April 1967	Include Sindhi as an official language .		
22nd	Amend article 275. Insert articles 244A and 371B.	25 September 1969	Provision to form Autonomous states within the State of Assam.	Indira Gandhi	V. V. Giri

No.	Amendments	Enforced since	Objectives	Prime Minister	President
23rd	Amend articles 330, 332, 333 and 334.	23 January 1970	Discontinued reservation of seats for the Scheduled Tribes in Nagaland, both in the Lok Sabha and the State Legislative Assembly and stipulated that not more than one Anglo-Indian could be nominated by the Governor to any State Legislative Assembly. Extend reservation for SCs and STs and Anglo Indian members in the Lok Sabha and State Assemblies for another ten years, i.e. up to 1980.		
24th	Amend articles 13 and 368.	5 November 1971	Enable parliament to dilute fundamental rights through amendments to the constitution.		
25th	Amend article 31. Insert article 31C.	8 December 1971	Restrict property rights and compensation in case the state takes over private property. However, the Supreme Court quashed a part of Article 31C, to the extent it took away the power of judicial review. This was done in the landmark case of Kesavananda Bharati v. State of Kerala (1973) 4 SCC 225 which for the first time enunciated the Basic structure doctrine .		

N o.	Amend ments	Enforced since	Objectives	Prim e Minis ter	Preside nt
26th	Amend article 366. Insert article 363A. Remove articles 291 and 362.	28 December 1971	Abolition of privy purse paid to former rulers of princely states which were incorporated into the Indian Republic.		
27th	Amend articles 239A and 240. Insert articles 239B and 371C.	(i)30 December 1971 & (ii) 15 February 1972	Reorganisation of Mizoram into a Union Territory with a legislature and council of ministers.		
28th	Insert article 312A. Remove article 314.	29 August 1972	Rationalise Civil Service rules to make it uniform across those appointed prior to Independence and post independence.		
29th	Amend schedule 9.	9 June 1972	Place land reform acts and amendments to these act under Schedule 9 of the constitution.		
30th	Amend article 133.	9 June 1972	Change the basis for appeals in Supreme Court of India in case of Civil Suits from		

N o.	Amend ments	Enforced since	Objectives	Prime Minis ter	Preside nt
			value criteria to one involving substantial question of law.		
31st	Amend articles 81, 330 and 332.	17 October 1973	Increase size of Parliament from 525 to 545 seats. Increased seats going to the new states formed in North East India and minor adjustment consequent to 1971 Delimitation exercise.		
32nd	Amend article 371. Insert articles 371D and 371E. Amend schedule 7.	1 July 1974	Protection of regional rights in Telangana and Andhra regions of State of Andhra Pradesh.		
33rd	Amend articles 101 and 190.	19 May 1974	Prescribes procedure for resignation by members of parliament and state legislatures and the procedure for verification and acceptance of resignation by house speaker.		
34th	Amend schedule 9.	7 September 1974	Place land reform acts and amendments to these act under Schedule 9 of the constitution.		Fakhrudin Ali Ahmed

No.	Amendments	Enforced since	Objectives	Prime Minister	President
35th	Amend articles 80 and 81. Insert article 2A. Insert schedule 10.	1 March 1975	Terms and Conditions for the Incorporation of Sikkim into the Union of India.		
36th	Amend articles 80 and 81. Insert article 371F. Remove article 2A. Amend schedules 1 and 4. Remove schedule 10.	26 April 1975	Formation of Sikkim as a State within the Indian Union.		
37th	Amend articles 239A and 240.	3 May 1975	Formation of Arunachal Pradesh legislative assembly.		

No.	Amendments	Enforced since	Objectives	Prime Minister	President
38th	Amend articles 123, 213, 239B, 352, 356, 359 and 360.	1 August 1975	Enhances the powers of President and Governors to pass ordinances.		
39th	Amend articles 71 and 329. Insert article 329A. Amend schedule 9.	10 August 1975	Amendment designed to negate the judgement of Allahabad High Court invalidating Prime Minister Indira Gandhi's election to parliament. Amendment placed restrictions on judicial scrutiny of post of Prime Minister. The amendment was introduced and passed in the Lok Sabha on 7 August 1975 and again introduced and passed in the Rajya Sabha on 8 August 1975. As many as 17 State Assemblies, summoned on Saturday, 9 August ratified this amendment and President Fakhruddin Ali Ahmad gave his assent on Sunday, 10 August and the civil servants issued gazette notification on Sunday, 10 August 1975. As a consequence of this amendment to the Constitution of India, Supreme Court of India's scheduled hearing on 11 August 1975 of Petition challenging Prime		

No.	Amendments	Enforced since	Objectives	Prime Minister	President
			<p>Minister Indira Gandhi's election became infructuous.</p> <p>Later however, Article 329A was struck down by the Supreme Court in case of State of Uttar Pradesh v. Raj Narain 1976 (2) SCR 347, for being in violation of basic structure.</p>		
40th	Amend article 297. Amend schedule 9.	27 May 1976	<p>Enable Parliament to make laws with respect to Exclusive Economic Zone and vest the mineral wealth with Union of India.</p> <p>Place land reform & other acts and amendments to these act under Schedule 9 of the constitution.</p>		
41st	Amend article 316.	7 September 1976	Raise Retirement Age Limit of Chairmen and Members of Joint Public Service Commissions and State Public Service Commissions from sixty to sixty two.		
42nd	Amend articles 31, 31C, 39, 55, 74, 77, 81, 82, 83, 100, 102, 103, 105, 118, 145, 150,	3 January, 1 February & 1 April 1977	Amendment passed during internal emergency by Indira Gandhi. Provides for curtailment of fundamental rights, imposes fundamental duties and changes to the basic structure of the constitution by making India a "Sovereign Socialist Secular Democratic Republic".		

No.	Amendments	Enforced since	Objectives	Prime Minister	President
	166, 170, 172, 189, 191, 192, 194, 208, 217, 225, 226, 227, 228, 311, 312, 330, 352, 353, 356, 357, 358, 359, 366, 368 and 371F. Insert articles 31D, 32A, 39A, 43A, 48A, 131A, 139A, 144A, 226A, 228A and 257A. Insert parts 4A and 14A. Amend schedule 7.		However, the Supreme Court, in Minerva Mills v. Union of India , quashed the amendments to Articles 31C and 368 as it was in contravention with the basic structure of the Constitution.		

N o.	Amend ments	Enforced since	Objectives	Prime Minis ter	Preside nt
43rd	Amend articles 145, 226, 228 and 366. Remove articles 31D, 32A, 131A, 144A, 226A and 228A.	13 April 1978	Amendment passed after revocation of internal emergency in the Country. Repeals some of the more 'Anti- Freedom' amendments enacted through Amendment Bill 42.		
44th	Amend articles 19, 22, 30, 31A, 31C, 38, 71, 74, 77, 83, 103, 105, 123, 132, 133, 134, 139A, 150, 166, 172, 192, 194, 213, 217, 225, 226, 227, 239B, 329, 352, 356, 358, 359,	20 June, 1 August & 6 September 1979	Amendment passed after revocation of internal emergency in the Country. Provides for human rights safeguards and mechanisms to prevent abuse of executive and legislative authority. Annuls some Amendments enacted in Amendment Bill 42.	Morarji Desai	Neelam Sanjiva Reddy

N o.	Amend ments	Enforced since	Objectives	Prim e Minis ter	Preside nt
	360 and 371F. Insert articles 134A and 361A. Remove articles 31, 257A and 329A. Amend part 12. Amend schedule 9.				
45th	Amend article 334.	25 January 1980	Extend reservation for SCs and STs and nomination of Anglo Indian members in Parliament and State Assemblies for another ten years i.e. up to 1990.		
46th	Amend articles 269, 286 and 366. Amend schedule 7.	2 February 1983	Amendment to negate judicial pronouncements on scope and applicability on Sales Tax.	Indira Gandhi	Zail Singh
47th	Amend schedule 9.	26 August 1984	Place land reform acts and amendments to these act under Schedule 9 of the constitution.		

No.	Amendments	Enforced since	Objectives	Prime Minister	President
48th	Amend article 356.	1 April 1985	Article 356 amended to permit President's rule up to two years in the state of Punjab.		
49th	Amend article 244. Amend schedules 5 and 6.	11 September 1984	Recognise Tripura as a tribal state and enable the creation of a Tripura Tribal Areas Autonomous District Council .		
50th	Amend article 33.	11 September 1984	Technical Amendment to curtailment of Fundamental Rights as per Part III as prescribed in Article 33 to cover Security Personnel protecting property and communication infrastructure.		
51st	Amend articles 330 and 332.	16 June 1986	Provide reservation to Scheduled Tribes in Nagaland, Meghalaya, Mizoram and Arunachal Pradesh in Lok Sabha, similarly for Meghalaya and Arunachal in their Legislative Assemblies.		
52nd	Amend articles 101, 102, 190 and 191. Insert schedule 10.	1 March 1985	Anti Defection Law – Provide disqualification of members from parliament and assembly in case of defection from one party to other. However, parts of the 10th Schedule to the Constitution of India was struck down by the Supreme Court in the case of Kihoto Hollohan v. Zachillhu 1992 SCR	Rajiv Gandhi	

No.	Amendments	Enforced since	Objectives	Prime Minister	President
			(1) 686, for being in contravention with Article 368 of the Constitution.		
53rd	Insert article 371G.	20 February 1987	Special provision with respect to the State of Mizoram.		
54th	Amend articles 125 and 221. Amend schedule 2.	1 April 1986	Increase the salary of Chief Justice of India & other Judges and to provide for determining future increases without the need for constitutional amendment.		
55th	Insert article 371H.	20 February 1987	Special powers to Governor consequent to formation of state of Arunachal Pradesh.		
56th	Insert article 371I.	30 May 1987	Transition provision to enable formation of state of Goa.		
57th	Amend article 332.	21 September 1987	Provide reservation to Scheduled Tribes in Nagaland, Meghalaya, Mizoram and Arunachal Pradesh Legislative Assemblies.		R. Venkatar aman
58th	Insert article 394A. Amend part 22.	9 December 1987	Provision to publish authentic Hindi translation of constitution as on date and provision to publish authentic Hindi translation of future amendments.		

N o.	Amend ments	Enforced since	Objectives	Prim e Minis ter	Preside nt
59th	Amend article 356. Insert article 359A.	30 March 1988	Article 356 amended to permit President's rule up to three years in the state of Punjab, Articles 352 and Article 359A amended to permit imposing emergency in state of Punjab or in specific districts of the state of Punjab.		
60th	Amend article 276.	20 December 1988	Profession Tax increased from a minimum of Rs. 250/- to a maximum of Rs. 2500/-.		
61st	Amend article 326.	28 March 1989	Reduce age for voting rights from 21 to 18.		
62nd	Amend article 334.	20 December 1989	Extend reservation for SCs and STs and nomination of Anglo Indian members in Parliament and State Assemblies for another ten years i.e. up to 2000.		
63rd	Amend article 356. Remove article 359A.	6 January 1990	Emergency powers applicable to State of Punjab, accorded in Article 359A as per amendment 59 repealed.	V. P. Singh	
64th	Amend article 356.	16 April 1990	Article 356 amended to permit President's rule up to three years and six months in the state of Punjab.		
65th	Amend article 338.	12 March 1992	National Commission for Scheduled Castes and Scheduled Tribes formed and		

No.	Amendments	Enforced since	Objectives	Prime Minister	President
			its statutory powers specified in The Constitution.		
66th	Amend schedule 9.	7 June 1990	Place land reform acts and amendments to these act under Schedule 9 of the constitution.		
67th	Amend article 356.	4 October 1990	Article 356 amended to permit President's rule up to four years in the state of Punjab.		
68th	Amend article 356.	12 March 1991	Article 356 amended to permit President's rule up to five years in the state of Punjab.		
69th	Insert articles 239AA and 239AB.	1 February 1992	To provide for a legislative assembly and council of ministers for National Capital Territory of Delhi . Delhi continues to be a Union Territory.		
70th	Amend articles 54 and 239AA.	21 December 1991	Include National Capital Territory of Delhi and Union Territory of Pondicherry in Electoral College for presidential election.	P. V. Narasimha Rao	
71st	Amend schedule 8.	31 August 1992	Include Konkani , Manipuri and Nepali as official languages.		Shankar Dayal Sharma
72nd	Amend article 332.	5 December 1992	Provide reservation to Scheduled Tribes in Tripura State Legislative Assembly.		

No.	Amendments	Enforced since	Objectives	Prime Minister	President
73rd	Insert part 9. Insert schedule 11.	24 April 1993	Statutory provisions for Panchyat Raj as third level of administration in villages.		
74th	Insert part 9A , insert schedule 12 , amend article 280.	1 June 1993	Statutory provisions for Local Administrative bodies as third level of administration in urban areas such as towns and cities.		
75th	Amend article 323B.	15 May 1994	Provisions for setting up Rent Control Tribunals.		
76th	Amend schedule 9.	31 August 1994	Enable continuance of 69% reservation in Tamil Nadu by including the relevant Tamil Nadu Act under 9th Schedule of the constitution.		
77th	Amend article 16.	17 June 1995	A technical amendment to protect reservation to SCs and STs Employees in promotions.		
78th	Amend schedule 9.	30 August 1995	Place land reform acts and amendments to these act under Schedule 9 of the constitution.		
79th	Amend article 334.	25 January 2000	Extend reservation for SCs and STs and nomination of Anglo Indian members in	Atal Bihari	

No.	Amendments	Enforced since	Objectives	Prime Minister	President
			Parliament and State Assemblies for another ten years i.e. up to 2010.	Vajpayee	
80th	Amend articles 269 and 270. Remove article 272.	9 June 2000	Implement Tenth Finance Commission recommendation to simplify the tax structures by pooling and sharing all taxes between states and the centre.		
81st	Amend article 16.	9 June 2000	Protect SCs and STs reservation in filling backlog of vacancies.		
82nd	Amend article 335.	8 September 2000	Permit relaxation of qualifying marks and other criteria in reservation in promotion for SCs and STs candidates.		K. R. Narayanan
83rd	Amend article 243M.	8 September 2000	Exempt Arunachal Pradesh from reservation for Scheduled Castes in Panchayati Raj institutions.		
84th	Amend articles 55, 81, 82, 170, 330 and 332.	21 February 2002	Extend the usage of 1971 national census population figures for statewide distribution of parliamentary seats.		
85th	Amend article 16.	4 January 2002	A technical amendment to protect Consequential seniority in case of promotions of SCs and STs Employees.		

N o.	Amend ments	Enforced since	Objectives	Prime Minis ter	Preside nt
86th	Amend articles 45 and 51A. Insert article 21A.	12 December 2002	Provides Right to Education until the age of fourteen.		
87th	Amend articles 81, 82, 170 and 330.	22 June 2003	Extend the usage of 2001 national census population figures for statewide distribution of parliamentary seats.		
88th	Amend article 270. Insert article 268A. Amend schedule 7.	15 January 2004	To extend statutory cover for levy and utilisation of Service Tax.		A. P. J. Abdul Kalam
89th	Amend article 338. Insert article 338A.	28 September 2003	The National Commission for Scheduled Castes and Scheduled Tribes was bifurcated into The National Commission for Scheduled Castes and The National Commission for Scheduled Tribes.		
90th	Amend article 332.	28 September 2003	Reservation in Assam Assembly relating to Bodoland Territory Area.		

No.	Amendments	Enforced since	Objectives	Prime Minister	President
91st	Amend articles 75 and 164. Insert article 361B. Amend schedule 10.	1 January 2004	Restrict the size of council of ministers to 15% of legislative members & to strengthen Anti Defection laws.		
92nd	Amend schedule 8.	7 January 2004	Include Bodo , Dogri , Santali and Mathili as official languages.		
93rd	Amend article 15.	20 January 2006	To enable provision of reservation (27%) for Other Backward Class (OBCs) in government as well as private educational institutions.		
94th	Amend article 164.	12 June 2006	To provide for a Minister of Tribal Welfare in newly created Jharkhand and Chhattisgarh States including Madhya Pradesh and Orissa.	Manmohan Singh	
95th	Amend article 334.	25 January 2010	To extend the reservation of seats for SCs and STs and Anglo-Indian in the Lok Sabha and states assemblies from Sixty years to Seventy years.		Pratibha Patil

No.	Amendments	Enforced since	Objectives	Prime Minister	President
96th	Amend schedule 8.	23 September 2011	Substituted "Odia" in the place of "Oriya".		
97th	Amend Art 19 and added Art 43B and Part IXB.	12 January 2012	<p>Added the words "or co-operative societies" after the word "or unions" in Article 19(l)(c) and insertion of article 43B i.e., Promotion of Co-operative Societies and added Part-IXB i.e., The Co-operative Societies. In July 2021 Supreme Court Struck Part of the amendment as it was not ratified by the states.</p> <p>The amendment objective is to encourage economic activities of cooperatives which in turn help progress of rural India. It is expected to not only ensure autonomous and democratic functioning of cooperatives, but also the accountability of the management to the members and other stakeholders.</p>		
98th	To insert Article 371J in the Constitution	1 January 2013	To empower the Governor of Karnataka to take steps to develop the Hyderabad-Karnataka Region.		Pranab Mukherjee
99th	Insertion of new	13 April 2015 [109] R	Formation of a National Judicial Appointments Commission . 16 State		

No.	Amendments	Enforced since	Objectives	Prime Minister	President
	articles 124A, 124B and 124C. Amendments to Articles 127, 128, 217, 222, 224A, 231.	repealed 16 October 2015	assemblies out of 29 States including Goa , Rajasthan , Tripura , Gujarat and Telangana ratified the Central Legislation, enabling the President of India to give assent to the bill. The amendment was struck down by the Supreme Court on 16 October 2015.		
100th	Amendment of First Schedule to Constitution	31 July 2015	Exchange of certain enclave territories with Bangladesh and conferment of citizenship rights to residents of enclaves consequent to signing of Land Boundary Agreement (LBA) Treaty between India and Bangladesh.	Narendra Modi	
101st	Addition of articles 246A, 269A, 279A. Deletion of Article 268A. Amendment of articles	1 July 2017	Introduced the Goods and Services Tax .		

No.	Amendments	Enforced since	Objectives	Prime Minister	President
	248, 249, 250, 268, 269, 270, 271, 286, 366, 368, Sixth Schedule, Seventh Schedule.				
102nd	Addition of articles 338B, 342A, and Added Clause 26C. Modification of articles 338, 366.	11 August 2018	Constitutional status to National Commission for Backward Classes		Ram Nath Kovind
103rd	Amendment to Article 15, added Clause [6], Amendment to Article 16,	12 January 2019	A maximum of 10% Reservation for Economically Weaker Sections (EWSs) of citizens of classes other than the classes mentioned in clauses (4) and (5) of Article 15, i.e. Classes other than socially and educationally backward classes of citizens or the Scheduled Castes and the Scheduled Tribes. Inserted Clause [6]		

No.	Amendments	Enforced since	Objectives	Prime Minister	President
	added Clause [6].		under Article 15 as well as Inserted Clause [6] under Article 16.		
104th	Amend article 334.	25 January 2020	To extend the reservation of seats for SCs and STs in the Lok Sabha and states assemblies from Seventy years to Eighty years. Removed the reserved seats for the Anglo-Indian community in the Lok Sabha and state assemblies.		
105th	Amended Article 338B, 342A and 366	10 August 2021	To restore the power of the state governments to identify Other Backward Classes (OBCs) that are socially and economically backward. This amendment annulled the Supreme Court judgement of 11 May 2021, which had empowered only the Central government for such identification.		

BASIC STRUCTURE DOCTRINE

The Basic Structure Doctrine was propounded in the landmark judgement of Kesavananda Bharati v. State of Kerala^[vi], wherein the largest constitutional bench of 13 judges went on to look into the powers of the government as to the amendability of the Constitution and the extent to which the Constitution could be amended. The judgement provided for procedure to adjudge upon the validity of a Constitutional amendments based on them not going against certain features of the Constitution. The Supreme Court herein limited the powers of the government to amend the Constitution by making certain features of the Constitution unamendable. This doctrine was propounded but no the list has

been non-exhaustive and the Courts have read several new features as a part of the basic structure from time to time.

In *Kesavananda Bharati v. State of Kerala*^[vii], features like Supremacy of the Constitution, Republican and Democratic form of governance, separation of powers, secular and sovereign character were found to be part of the basic structure. In the cases of *Indira Gandhi v. Rajnarian*^[viii] and *Kihoto Hollohan v. Zachillhu and ors.*^[ix], Rule of Law was considered to be a part of the basic structure. In the *S.R. Bommai v. U.O.* ^[x], Federalism was held to be an essential feature of the Constitution and hence part of the basic structure. The *Minerva Mills v. U.O.* ^[xi] case recognized judicial review as a part of the basic structure of the Constitution. In *Re: The Berubari Union case*^[xii], the court found the preamble to not be a part of the Constitution, which was overruled in the *Kesavananda Bharati v. State of Kerala*^[xiii] and the preamble could only be amended in terms of the basic structure doctrine.

The basic structure doctrine has thus substantiated limitations as to the amount of amendability is allowed. The government can amend any part of the Constitution but the amendment cannot be affecting any of the features under the basic structure doctrine. Hence the Constitution can be kept updated and irrelevant things can be removed but the essence or the soul of the Constitution cannot be fiddled with. This also makes the Constitution indestructible and thus it neither be taken down completely at any point of time nor can it be superseded to gain unsanctioned powers. There is hence no way to dismantle the Indian Constitutional setup and to get away with the Constitution.

CONCLUSION

The Indian Constitution was made to be a dynamic legislation to hold validity over a number of years without being outdated and still look after the interests of the varied groups in the Indian population. It can clearly be seen to have been drafted by taking into consideration the best features from Constitutions around the world. The Basic Structure doctrine propounded by the honourable Supreme Court is the guiding principle to safeguard these values and keep the essence of the Constitution intact. Further the comparison with other countries shows the clear balance in the amount of difficulty and procedural working required to amend the Constitution in India, making it one of the best examples of its kind.

REFERENCES

[i] S.R. Bommai v. U.O.I, AIR 1994 SC 1918.

[ii] AIR 1973 SC 1461.

[iii] AIR 1951 SC 458.

[iv] AIR 1965 SC 845.

[v] AIR 1967 SC 1643.

[vi] Id note 2.

[vii] Supra 2.

[viii] AIR 1975 SC 2299.

[ix] AIR 1993 SC 412.

[x] AIR 1994 SC 1918.

[xi] AIR 1980 SC 1789.

[xii] AIR 1960 SC 845

[xiii] Supra 2.