
CONSTITUTIONAL AMENDMENTS AND THEIR IMPACT ON SOCIETY: AN ANALYSIS OF MAJOR CONSTITUTIONAL AMENDMENTS OF INDIA

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ABSTRACT

The Constitution of India provides for amendments to ensure that constitutional provisions remain relevant to changing circumstances. Since 1950, Parliament has enacted several amendments dealing with issues such as land reforms, reorganisation of states, emergency powers, local self-government, education, taxation, reservations and political representation. Many of these amendments have a direct impact on public institutions and society, while some have also led to important constitutional disputes before the courts.

This study examines major constitutional amendments in India and analyses their background, principal provisions, and impact. It also discusses the role of the Supreme Court in interpreting the amending power of Parliament, particularly through the Basic Structure Doctrine. By examining selected amendments from different periods, the article traces how the Constitution has responded to political, social and economic developments over time and how judicial interpretation has influenced the amendment process.

Keywords: Constitutional Amendments, Article 368, Basic Structure Doctrine, Judicial Review, Fundamental Rights, Federalism, Constitutional Development, Indian Constitution.

➤ Introduction:

"I am not an advocate for frequent changes in laws and constitutions. But laws and institutions must go hand in hand with the progress of the human mind." ¹

Constitutions are fundamental legal documents that define the political and legal framework of a nation. They provide stability, protect fundamental rights, and regulate the functioning of governmental institutions. At the same time, no constitution can anticipate every social, political, or economic change. As societies evolve, constitutional amendments become necessary to address new challenges and ensure that constitutional provisions remain relevant.

The Constitution of India is often described as a unique blend of rigidity and flexibility. While certain provisions require a special procedure for amendment, **Article 368** empowers Parliament to amend the Constitution and prescribes the process for doing so.² As a result, the Constitution can be amended to address emerging needs without requiring a complete revision of the constitutional framework

The power of amendment, however, is not unlimited. In *Kesavananda Bharati v. State of Kerala*³, the Supreme Court held that Parliament cannot alter the basic structure of the Constitution. Through the **"Basic Structure Doctrine"**, the Court established an important limitation on the amending power, ensuring that core constitutional principles remain protected from arbitrary change.

This study examines some of the most significant constitutional amendments in Indian history, analysing their historical background, key provisions, and impact on society. It also explores the role of judicial interpretation in shaping the amendment process and influencing the constitutional development of India.

➤ Constitutional Amendments: An Overview

Power and procedure for amending Constitution of India is provided under Article 368 which

¹ Letter from Thomas Jefferson to Samuel Kercheval (July 12, 1816), in 10 THE PAPERS OF THOMAS JEFFERSON: RETIREMENT SERIES, 222, 223 (J. Jefferson Looney ed., 2014).

² IND. CONST. art. 368 (delineating the dual mechanisms of simple and special parliamentary majorities, alongside state ratification requirements, necessary to formalize constitutional modifications).

³ *Kesavananda Bharati v. State of Kerala*, (1973) 4 S.C.C. 225 (India).

has been categorised into 3 types of amendment by a special majority in Parliament:

i) Amendment by Simple Majority of Parliament

These amendments do not fall under Article 368 it can be passed by a simple majority of members present and voting in both houses of parliament they are used for change in non-fundamental procedures of the constitution example formation of new state or change in state of boundaries that is article three.

ii) Amendment by Special Majority

This amendment process is named special majority one because it requires 2/3rd majority ⁴ of members present in voting in both the Lok Sabha and Rajya Sabha along with 50% of the total strength of each house this process of making amendment is used for significant constitutional changes but parliament's power to amend the constitution is not unlimited which was seen in *Kesavananda Bharati v. State of Kerala*.⁵

Example Fundamental rights that were added by 24th constitutional amendment.⁶

iii) Amendment by a Special Majority of Parliament with State Ratification

Certain Amendment under Article 368(2) ⁷ require both:

- A special majority in Parliament 2/3rd majority & state ratification.
- Ratification by at least half of the state Legislature before becoming law.

Example 42nd Amendment 1976 ⁸ and 101st amendment 2016.⁹

Comparative table showing about the Constitutional Amendment of Various Countries:

Country	Total Amendments	Amendment	Frequency
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⁴ IND. CONST. art. 368, cl. 2.

⁵ *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461.

⁶ The Constitution (Twenty-Fourth Amendment) Act, 1971 (India).

⁷ IND. CONST. art. 368, cl. 2, proviso.

⁸ The Constitution (Forty-Second Amendment) Act, 1976 (India)

⁹ The Constitution (One Hundred and First Amendment) Act, 2016 (India).

		Process difficulty	
India	106	Moderate: Special Majority in Parliament	High frequency amendment
United States	27	Very difficult: 2/3 rd and 3/4 th state legislature	Rare
Germany	60	Difficult: 2/3 rd majority in both Bundestag & Bundesrat	Moderate
South Africa	18	Moderate: 2/3 rd majority in Parliament and some require provincial approval	Moderate
United Kingdom	No formal count	Very Easy	High

➤ The First Constitutional Amendment Act, 1951: Provisions and Impact:

The 1st Constitutional Amendment Act, 1951¹⁰, holds a foundational place in India's constitutional history as it marked the first substantive response of the Parliament to judicial interpretations of fundamental rights that were seen to constrain the state's legislative and socio-economic goals. It was enacted in the early years of the Republic to overcome judicial setbacks encountered in cases such as *Romesh Thappar v. State of Madras*¹¹ and *Brij Bhushan v. State of Delhi*,¹² where the Supreme Court had ruled in favour of press freedom, thereby invalidating pre-censorship laws. The amendment thus reflects the early attempts to strike a balance between individual rights and the collective interest of the newly independent nation.

➤ Provisions of the First Constitutional Amendment Act, 1951:

1. Restrictions on Freedom of Speech (Article 19(2)):¹³

The amendment introduced reasonable restrictions on the freedom of speech and

¹⁰ The Constitution (First Amendment) Act, 1951, Statement of Objects and Reasons (India).

¹¹ *Romesh Thappar v. State of Madras*, AIR 1950 SC 124 (India)

¹² *Brij Bhushan v. State of Delhi*, AIR 1950 SC 129 (India).

¹³ IND. CONST. art. 19, cl. 2 (amended 1951).

expression in the interest of public order, security of the state and friendly relations with foreign states. This was a direct response to the judiciary's interpretation of Article 19(1)(a) as absolute.

2. Insertion of Article 31A and 31B:¹⁴

These articles were added to protect land reform laws from being challenged under the right to property. Article 31B, read with the newly inserted Ninth Schedule ¹⁵, gave constitutional immunity to certain laws from judicial review.

3. Clarification in Article 15(4):

A new clause was inserted to allow the state to make special provisions for the advancement of socially and educationally backward classes or for Scheduled Castes and Scheduled Tribes¹⁶. This enabled reservation policies in educational institutions and public employment.

➤ Impacts of the First Constitutional Amendment Act, 1951:

1. Limitation on Fundamental Rights:

The amendment expanded the scope of state restriction over the freedoms guaranteed under Article 19(1)(a) by altering Article 19(2) to include "public order," "friendly relations with foreign states," and "incitement to an offence" as valid grounds for imposing reasonable restrictions.¹⁷

2. Legal Protection for Land Reforms:

By insulating agrarian reform laws through Articles 31A and 31B, the amendment provided a legal foundation for social justice-based redistributive policies, which were being stalled by court judgments.¹⁸

¹⁴ IND. CONST. arts. 31A, 31B.

¹⁵ IND. CONST. schedule IX.

¹⁶ IND. CONST. art. 15, cl. 4.

¹⁷ M.P. JAIN, INDIAN CONSTITUTIONAL LAW 1124 (Justice Jasti Chelameswar & Justice Dama Seshadri Naidu eds., LexisNexis, 8th ed. 2018).

¹⁸ IND. CONST. arts. 31A, 31B, schedule IX; *see also State of Bihar v. Kameshwar Singh*, AIR 1952 SC 252 (India) (upholding the validity of land procurement frameworks following the constitutional shielding).

3. Foundation for Affirmative Action:

Article 15(4) legitimised reservations for backward classes and thus laid the groundwork for future policies aimed at social inclusion and equality.¹⁹

➤ The Seventh Constitutional Amendment Act, 1956: Provisions and Impact:

The 7th Amendment ²⁰ was a landmark in India's constitutional development, driven by the recommendations of the **States Reorganisation Commission (1955)**. It was introduced to bring administrative unity, linguistic harmony, and better governance across states. As the post-independence years witnessed growing demands for states based on linguistic identities, the amendment became crucial to realigning India's federal map without disrupting its democratic foundation.

➤ Provisions of the Seventh Constitutional Amendment Act, 1956:

1. Reorganisation of States (First Schedule):

The amendment restructured the First Schedule to replace the classification of states into Part A, B, C, and D with a **uniform division into 'States' and 'Union Territories'**, ending the old colonial categorisation.²¹

2. Establishment of High Courts for Union Territories:

Provision was made for the establishment of common High Courts for two or more states or a state and a union territory, aiding judicial efficiency.

3. Article 153 – One Governor for Two or More States:

The amendment enabled the appointment of a **single Governor for multiple states**, allowing flexibility in administration and cost-effectiveness.²²

4. Establishment of Zonal Councils:

Along with the reorganisation of states, the States Reorganisation Act, 1956, provided

¹⁹ The Constitution (First Amendment) Act, 1951, Statement of Objects and Reasons (India).

²⁰ The Constitution (Seventh Amendment) Act, 1956, Statement of Objects and Reasons (India).

²¹ IND. CONST. schedule I (amended 1956).

²² IND. CONST. art. 153, proviso (amended 1956).

for the creation of Zonal Councils.²³ These bodies were established to facilitate cooperation between neighbouring states and the Centre on matters of common concern. Their primary objective was to promote coordination, regional development and harmonious interstate relations.

➤ **Impacts of the Seventh Constitutional Amendment Act, 1956:**

1. Major Administrative Restructuring:

The amendment formally abolished the old Part A/B/C state distinction, thus creating a more **rational, unified administrative structure**.²⁴

2. Rise of Linguistic Federalism:

Although the creation of Andhra State in 1953 had already forced language onto the political agenda, the 1956 amendment formally legitimized linguistic federalism as a core governing principle. By giving constitutional sanction to the recommendations of the States Reorganisation Commission, it systematically remapped provincial borders along linguistic lines, providing a stable institutional template for all subsequent state reorganizations.

3. Institutionalizing Cooperative Federalism:

The amendment fundamentally re-structured the balance of power between the Centre and the states by establishing a uniform administrative layout. By removing the old hierarchies, the new map forced the creation of joint consultative frameworks to resolve cross-border issues like water distribution and minority languages. This shift proved that regional identities could be integrated through structured dialogue, laying the groundwork for modern cooperative federalism without compromising national unity.²⁵

4. Judicial and Executive Efficiency:

The amendment streamlined governance by introducing shared institutional machinery,

²³ The States Reorganisation Act, 1956.

²⁴ IND. CONST. art. 1 (amended 1956) (substituting the unified classification of States and Union Territories).

²⁵ M.P. JAIN, INDIAN CONSTITUTIONAL LAW 817 (Justice Jasti Chelameswar & Justice Dama Seshadri Naidu eds., LexisNexis, 8th ed. 2018).

such as common High Courts and single Governors for multiple territories.²⁶

➤ **The Twenty- Fourth Constitutional Amendment Act, 1971: Provisions and Impact:**

In the evolving journey of Indian constitutional law, the 24th Amendment of 1971 ²⁷ stands as a pivotal response to a growing tension between the Parliament and the judiciary. It was enacted in the aftermath of the Supreme Court's judgment in *Golaknath v State of Punjab* ²⁸, where the Court had ruled that Parliament had no power to amend fundamental rights. This decision created a constitutional deadlock, raising concerns about the Parliament's ability to implement its socio-economic agenda. In response, the 24th Amendment clarified and reaffirmed Parliament's authority to amend any part of the Constitution, including Part III, which deals with fundamental rights. It amended Article 13 ²⁹ and Article 368 ³⁰, explicitly stating that constitutional amendments could not be challenged under Article 13 and that the Parliament had the power to amend "any provision" of the Constitution. This amendment, passed during Prime Minister Indira Gandhi's tenure, reasserted legislative supremacy in constitutional matters and laid the groundwork for future constitutional debates, especially the landmark *Kesavananda Bharati* case that followed.

➤ **Provisions of the Twenty-Fourth Constitutional Amendment Act, 1971:**

The 24th Amendment introduced significant changes to strengthen Parliament's authority to amend the Constitution, particularly considering the restrictions imposed by the Supreme Court in the *Golaknath* judgment. Its key provisions are as follows:

1. Amendment to Article 13:

A new clause (4) ³¹ was inserted to make it explicitly clear that nothing in Article 13 shall apply to amendments made under Article 368. This provision ensured that constitutional amendments could not be challenged for violating fundamental rights, as they were no longer considered 'laws' within the meaning of Article 13.

²⁶ IND. CONST. arts. 153, 231 (amended 1956).

²⁷ The Constitution (Twenty-Fourth Amendment) Act, 1971 (India).

²⁸ *Golaknath v. State of Punjab*, AIR 1967 SC 1643 (India).

²⁹ IND. CONST. art. 13, cl. 4.

³⁰ IND. CONST. art. 368, cl. 1.

³¹ *Id.*

2. Amendment to Article 368:

The amendment clarified that Parliament, in exercise of its constituent power, may amend "any provision"³² of the Constitution. It also made it obligatory for the President to give assent to a Constitutional Amendment Bill once duly passed by both Houses of Parliament.

3. Restoration of Parliamentary Amending Power:

By removing ambiguity around Parliament's power, the amendment restored the authority to amend fundamental rights if required for larger constitutional or social objectives.

➤ Impacts of the Twenty- Fourth Constitutional Amendment Act, 1971:

1. Reassertion of Parliamentary Supremacy:

The amendment re-established Parliament's authority to amend fundamental rights, addressing concerns that judicial overreach could obstruct essential socio-economic reforms, particularly land redistribution and poverty alleviation measures.

2. Trigger for Basic Structure Doctrine:

3. Although the amendment strengthened Parliament's power, it also indirectly provoked the judiciary to lay down limitations through the “**Basic Structure Doctrine**” in *Kesavananda Bharati v State of Kerala* ³³, preventing Parliament from altering the Constitution's foundational principles.

4. Shaping the Basic Structure Doctrine:

5. While the 24th Constitutional Amendment resolved the immediate controversy arising from the Golaknath decision, it did not bring an end to the debate surrounding Parliament's amending powers. The question reached the Supreme Court once again in the *Kesavananda Bharati* case, where the Court sought to strike a balance between constitutional flexibility and constitutional preservation. The result was the emergence

³² *Id.*

³³ *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461.

of the Basic Structure Doctrine, under which Parliament could amend the Constitution but could not alter its essential features. This doctrine remains one of the most significant developments in India's constitutional history.

➤ **The Thirty- Eighth Constitutional Amendment Act, 1975: Provisions and Impact:**

The 38th Constitutional Amendment Act, 1975 ³⁴, was enacted during the Emergency and sought to strengthen executive authority in matters relating to emergency powers. It made the President's satisfaction in proclaiming an Emergency, as well as the promulgation of ordinances by the President and Governors, largely immune from judicial review. By limiting the court's ability to examine such decisions, the amendment expanded executive discretion and altered the balance between the executive and the judiciary.

➤ **Provisions of the Thirty- Eighth Constitutional Amendment Act, 1975:**

The 38th Amendment introduced several important provisions aimed at curbing judicial intervention and expanding executive discretion:

1. Insulation of Emergency Proclamations:

The 38th Amendment inserted provisions into Articles 352, 356 and 360 ³⁵ that made the President's satisfaction in declaring an Emergency final and conclusive. Consequently, courts were largely prevented from examining the validity of such proclamations, thereby strengthening executive discretion and limiting judicial oversight during emergencies.

2. Exclusion of Ordinances from Judicial Scrutiny:

The 38th Amendment inserted provisions into Articles 123 and 213 ³⁶ declaring that the satisfaction of the President and Governors in promulgating ordinances would be final and conclusive. As a result, the scope for judicial review of such decisions was significantly restricted, strengthening executive discretion and reducing judicial oversight over the exercise of ordinance-making powers during the Emergency period.

³⁴ The Constitution (Thirty-Eighth Amendment) Act, 1975.

³⁵ *Id.*

³⁶ The Constitution (Thirty-Eighth Amendment) Act, 1975, No. 38 of 1975, §§ 2–3, INDIA CODE (1975).

3. Finality of Decisions Relating to Emergencies:

The 38th Amendment inserted provisions declaring that the satisfaction of the President or the Governor in matters relating to Emergency proclamations would be final and conclusive. As a result, the scope for judicial review of such decisions was significantly restricted, strengthening executive authority during the Emergency period.

➤ Impacts of the Thirty- Eighth Constitutional Amendment Act, 1975:

1. Restriction on Judicial Oversight:

The amendment significantly restricted the judiciary's ability to review executive actions, especially during emergencies. This raised concerns about the erosion of the system of checks and balances.

2. Strengthening of Executive Power:

By shielding emergency-related decisions from judicial scrutiny, the amendment enhanced the authority of the executive, particularly the central government, during crises. Critics argued these undermined constitutional safeguards against authoritarian tendencies.

3. Controversy and Future Reassessment:

The 38th Amendment is often seen as part of a series of constitutional changes made during the Emergency that tilted the balance of power towards the executive. Many of its provisions were re-examined and diluted in later years to restore constitutional checks and democratic accountability.

➤ Introduction to the Thirty- Ninth Constitutional Amendment Act, 1975:

The 39th Constitutional Amendment Act, 1975³⁷, is often viewed as one of the most controversial amendments in India's constitutional history. Passed during the period of Emergency, the amendment was primarily aimed at protecting the position of the Prime Minister and other high constitutional functionaries from judicial scrutiny. The immediate

³⁷ The Constitution (Thirty-Ninth Amendment) Act, 1975.

trigger for this amendment was the Allahabad High Court's judgment in *Indira Nehru Gandhi v Raj Narain*³⁸, which invalidated the election of the then Prime Minister, Indira Gandhi, on grounds of electoral malpractices. The 39th Amendment was introduced to nullify this judgment and prevent courts from questioning the validity of elections to certain high offices, thereby raising significant concerns regarding the erosion of democratic accountability.

➤ **Provisions of the Thirty- Ninth Constitutional Amendment Act, 1975:**

The Amendment introduced the following key provisions:

1. Insertion of Article 329A:

The amendment inserted Article 329A into the Constitution, declaring that disputes relating to elections of the President, Vice-President, Prime Minister and Speaker of the Lok Sabha shall be decided exclusively by a forum established by Parliament, excluding the jurisdiction of courts.³⁹

2. Validation of Certain Elections:

The amendment retrospectively validated the election of Indira Gandhi as Prime Minister, rendering any court verdict, including that of the Allahabad High Court, ineffective.

3. Shielding High Constitutional Offices:

By excluding judicial scrutiny of elections to key offices, the amendment sought to protect the functioning of these positions from legal challenges, especially during politically volatile times.

➤ **Impacts of the Thirty- Ninth Constitutional Amendment Act, 1975:**

1. Undermining of Judicial Independence:

The amendment was widely criticised for undermining the authority of the judiciary by

³⁸ *Indira Nehru Gandhi v. Raj Narain*, AIR 1975 SC 2299.

³⁹ The Constitution (Thirty-Ninth Amendment) Act, 1975, §§ 3, 4 (India) (substituting words in Article 329 via Section 3 and inserting Article 329A via Section 4 to insulate the election disputes of the Prime Minister and the Speaker from judicial review).

excluding its jurisdiction over vital constitutional matters such as electoral disputes, raising concerns about constitutional balance.

2. Threat to Democratic Principles:

By retroactively validating an election that had been declared void, the amendment set a dangerous precedent of using constitutional amendments to override unfavourable judicial decisions, thereby diluting the principle of free and fair elections.

3. Judicial Response and Restoration of Balance:

The Supreme Court, in the landmark *Indira Nehru Gandhi v Raj Narain*⁴⁰ case, struck down parts of the amendment for violating the Basic Structure Doctrine, thereby reinforcing that even constitutional amendments cannot destroy core democratic values.

➤ Introduction to the Forty- Second Constitutional Amendment Act, 1976:

Often referred to as the "**Mini Constitution**," the 42nd Constitutional Amendment Act,⁴¹ brought about the most extensive changes to the Indian Constitution since its adoption. Enacted during the Emergency period under Prime Minister Indira Gandhi's government, the amendment significantly expanded the powers of the executive and Parliament while curbing the independence of the judiciary. It was seen as an attempt to strengthen central authority, reduce judicial intervention, and implement key aspects of the government's socio-economic agenda under the Directive Principles of State Policy.⁴² However, it also attracted severe criticism for undermining democratic principles and constitutional checks and balances.

➤ Provisions of the Forty- Second Constitutional Amendment Act, 1976:

The amendment introduced wide-ranging changes, some of the most significant being:

1. Preamble Amendment:

The words "Socialist," "Secular," and "Integrity"⁴³ were added to the Preamble,

⁴⁰ *Indira Nehru Gandhi v. Raj Narain*, AIR 1975 SC 2299.

⁴¹ The Constitution (Forty-Second Amendment) Act, 1976.

⁴² The Constitution (Forty-Second Amendment) Act, 1976, §§ 7, 9, 10 (India) (amending Part IV by inserting Articles 39A, 43A, and 48A respectively to expand the scope of the Directive Principles of State Policy).

⁴³ The Constitution (Forty-Second Amendment) Act, 1976, § 2.

reflecting a more explicit commitment to social justice and national unity.

2. Primacy to Directive Principles:

Article 31C ⁴⁴ was amended to give more importance to Directive Principles over Fundamental Rights, meaning that laws made to implement Directive Principles could not be challenged for violating Fundamental Rights under Articles 14 or 19.

3. Restriction on Judicial Review:

The jurisdiction of courts to review constitutional amendments was curtailed. It was declared that constitutional amendments could not be questioned in any court.

4. Extension of Parliament's Powers:

The amendment expanded Parliament's authority to legislate on matters listed in the State List, especially during national emergencies.

➤ Impacts of the Forty- Second Constitutional Amendment Act, 1976:

1. Strengthening of Executive Power:

The amendment concentrated power in the hands of the central government, diluting federal principles and significantly limiting the scope of judicial review.

2. Impact on the Judiciary:

The amendment reduced the scope of judicial review and expanded the position of Directive Principles in the constitutional framework. These changes led to criticism that the powers of the judiciary were being curtailed and that the balance between different constitutional institutions was being affected.

3. Reversal Through the 44th Amendment:

Many provisions of the 42nd Amendment faced criticism from political parties, legal scholars, and constitutional experts. After the Emergency, several of these provisions

⁴⁴ The Constitution (Forty-Second Amendment) Act, 1976, § 4.

were modified or removed through the 44th Constitutional Amendment Act, 1978.⁴⁵

➤ **Introduction to the Forty-Fourth Constitutional Amendment Act, 1978:**

The 44th Constitutional Amendment Act, 1978⁴⁶, was enacted by the Janata Party government in the aftermath of the Emergency. It sought to reverse several constitutional changes introduced during that period and to strengthen democratic governance. The amendment introduced safeguards against the misuse of emergency powers, reinforced judicial independence, and restored the constitutional balance between the legislature, the executive, and the judiciary.

➤ **Provisions of Forty-Fourth Constitutional Amendment Act, 1978:**

1. Safeguarding Fundamental Rights During Emergencies:

The 44th Amendment strengthened the protection of Fundamental Rights during emergencies by amending Article 359⁴⁷. It ensured that the rights guaranteed under Articles 20 and 21 could not be suspended, even during a Proclamation of Emergency. As a result, individuals retained the right to seek judicial remedies, including habeas corpus, for the protection of life and personal liberty.

2. Strengthening Safeguards Against the Misuse of Emergency Powers:

The 44th Amendment introduced important safeguards to regulate the proclamation of a National Emergency under Article 352. It replaced the ground of "internal disturbance" with the narrower term "armed rebellion" and required that the President act only on the written advice of the Union Cabinet. These changes were intended to reduce the possibility of misuse of emergency powers and ensure greater collective responsibility in the decision-making process.⁴⁸

⁴⁵ The Constitution (Forty-Fourth Amendment) Act, 1978 (India) (reversing or modifying several provisions introduced by the Constitution (Forty-Second Amendment) Act, 1976).

⁴⁶ The Constitution (Forty-Fourth Amendment) Act, 1978 (India) (stating in its Statement of Objects and Reasons the necessity to remove the distortions introduced into the Constitution during the Emergency).

⁴⁷ The Constitution (Forty-Fourth Amendment) Act, 1978, No. 44 of 1978, § 38, INDIA CODE (1978) (amending IND. CONST. art. 359).

⁴⁸ The Constitution (Forty-Fourth Amendment) Act, 1978, § 37 (India) (amending IND. CONST. art. 352).

3. Removal of the Right to Property as a Fundamental Right:

The 44th Amendment removed the right to property from the list of Fundamental Rights by deleting Article 19(1)(f) and Article 31. It inserted Article 300A, under which no person can be deprived of property except by authority of law. Consequently, the right to property remained a constitutional right but ceased to be a Fundamental Right.⁴⁹

➤ Impacts of Forty-Fourth Constitutional Amendment Act, 1978:

1. Restoration of Personal Liberty:

The 44th Amendment strengthened the protection of civil liberties by making Articles 20 and 21 non-suspendable during an Emergency. As a result, the rights to life and personal liberty remained enforceable even in exceptional circumstances, ensuring continued access to judicial remedies against unlawful detention.⁵⁰

2. Strengthening Institutional Checks and Balances:

The 44th Amendment introduced additional safeguards for the proclamation of an Emergency, including the requirement of written advice from the Union Cabinet and stricter parliamentary approval procedures. These measures strengthened institutional accountability and reduced the scope for the concentration of emergency powers within the executive.⁵¹

3. Facilitating Socio-Economic Reforms:

By removing the right to property from the list of Fundamental Rights and placing it under Article 300A, the 44th Amendment reduced constitutional disputes over land reform and property legislation. This change provided greater flexibility for the implementation of socio-economic policies while continuing to protect property from deprivation except by authority of law.⁵²

⁴⁹ The Constitution (Forty-Fourth Amendment) Act, 1978, §§ 2, 6, 34 (India) (omitting IND. CONST. art. 19(1)(f), deleting art. 31, and inserting art. 300A).

⁵⁰ The Constitution (Forty-Fourth Amendment) Act, 1978, § 40 (India) (amending IND. CONST. art. 359).

⁵¹ The Constitution (Forty-Fourth Amendment) Act, 1978, § 37 (India) (amending IND. CONST. art. 352).

⁵² The Constitution (Forty-Fourth Amendment) Act, 1978, §§ 2, 6, 34 (India) (omitting IND. CONST. art. 19(1)(f), deleting art. 31, and inserting art. 300A).

➤ **Introduction to the Fifty- Second Constitutional Amendment Act, 1985:**

The 52nd Constitutional Amendment Act ⁵³, commonly known as the **Anti-Defection Law**, was a significant step towards ensuring political stability and curbing unethical political practices in India. The amendment was introduced in response to the growing menace of political defections, where elected representatives frequently switched parties for personal gain, often destabilising governments. Such practices were seen as a betrayal of the mandate of the electorate and undermined the integrity of parliamentary democracy. The 52nd Amendment sought to deter defections by introducing clear legal provisions to disqualify legislators who defected from their parties.⁵⁴

➤ **Provisions of the Fifty- Second Constitutional Amendment Act, 1985:**

The amendment inserted the **Tenth Schedule** into the Constitution, commonly known as the Anti-Defection Schedule. Its key provisions are:

1. **Grounds for Disqualification on Defection:**

The Tenth Schedule provides that a legislator may be disqualified if they voluntarily give up the membership of the political party on whose ticket they were elected. Disqualification may also arise when a member votes or abstains from voting contrary to a direction issued by the political party without prior permission, and such action is not subsequently condoned by the party within the prescribed period.⁵⁵

2. **Decision-Making Authority:**

The Tenth Schedule vested the power to decide questions relating to disqualification on the ground of defection in the Speaker or Chairman of the concerned House.

3. **Protection for Splits and Mergers:**

The amendment provided exceptions to disqualification in cases of political realignment. Legislators were protected where a split involved not less than one-third

⁵³ The Constitution (Fifty-Second Amendment) Act, 1985.

⁵⁴ *Kihoto Hollohan v. Zachillhu*, AIR 1993 SC 412 (India) (upholding the constitutional validity of the Tenth Schedule while reinforcing that the Speaker's decisions on disqualification are subject to judicial review).

⁵⁵ The Constitution (Fifty-Second Amendment) Act, 1985, § 6 (India) (inserting IND. CONST. text, Tenth Schedule, para. 2(1)(a)–(b)).

of the members of a legislature party ⁵⁶ or where a merger was supported by not less than two-thirds of its members, subject to the conditions laid down in the Tenth Schedule.⁵⁷

➤ **Impacts of the Fifty- Second Constitutional Amendment Act, 1985:**

1. **Curbing Political Defections:**

The amendment focused to discourage frequent defections and floor-crossing by legislators, thereby contributing to greater political stability in Parliament and State Legislatures.

2. **Concerns regarding the Speaker's Role:**

The power to decide disqualification cases was vested in the Speaker or Chairman of the House, raising concerns about impartiality and political influence in such decisions.

3. **Basis for Subsequent Reforms:**

The 52nd Amendment marked the first constitutional attempt to regulate political defections. Its implementation highlighted certain shortcomings, which later led to the enactment of the 91st Constitutional Amendment Act ⁵⁸ strengthening the anti-defection framework.

➤ **Introduction to the Sixty- First Constitutional Amendment Act, 1989:**

The 61st Constitutional Amendment Act, 1989 ⁵⁹, marked a significant step in the expansion of democratic participation in India. Recognising the growing political awareness and involvement of young citizens in public affairs, the amendment reduced the minimum voting age from 21 to 18 years. This change reflected the belief that young people should have a greater voice in the electoral process and in shaping public policy. By giving voting rights to

⁵⁶ The Constitution (Fifty-Second Amendment) Act, 1985 (India) (inserting Tenth Schedule, para. 3, providing an exception from disqualification where a split involved not less than one-third of the members of a legislature party).

⁵⁷ The Constitution (Ninety-First Amendment) Act, 2003 (India) (omitting para. 3 of the Tenth Schedule and retaining protection in cases of merger where not less than two-thirds of the members of the legislature party agree to such merger).

⁵⁸ The Constitution (Ninety-First Amendment) Act, 2003 (India).

⁵⁹ The Constitution (Sixty-First Amendment) Act, 1988.

citizens of ages of 18 years ⁶⁰, the amendment broadened democratic participation and ensured greater representation of young people in the electoral process.

➤ **Provisions of the Sixty- First Constitutional Amendment Act, 1989:**

The amendment introduced an important change to the electoral framework of the country

1. Reduction of Voting Age:

Article 326 of the Constitution was amended to reduce the minimum voting age for elections to the Lok Sabha and State Legislative Assemblies from 21 to 18 years. This change brought a larger section of the youth into the electoral process and enabled young citizens to participate more actively in democratic decision-making. It also expanded the electorate and strengthened the principle of universal adult suffrage in India.

2. No Change in Eligibility for Contesting Elections:

While the amendment reduced the voting age, it did not alter the minimum age requirements for contesting elections. Candidates seeking election to the Lok Sabha and State Legislative Assemblies were still required to satisfy the age qualifications prescribed under the Constitution and electoral laws.⁶¹

➤ **Impacts of the Sixty- First Constitutional Amendment Act, 1989:**

1. Expansion of the Electorate:

The amendment increased the number of eligible voters by lowering the voting age to 18 years, bringing millions of young citizens into the electoral process.

2. Political Empowerment of Youth:

It enabled young citizens to take part in elections at an earlier age, encouraging their involvement in democratic and political affairs.

⁶⁰ IND. CONST. art. 326 (as amended by The Constitution (Sixty-First Amendment) Act, 1988).

⁶¹ IND. CONST. arts. 84, cl. (b), 173, cl. (b); *see also* Representation of the People Act, 1951 (India) (reaffirming the minimum age requirements for contesting elections to central and state legislative bodies irrespective of the reduction in adult franchise age).

3. Influence on Electoral Politics:

The expansion of the voter base altered electoral dynamics by making young voters an important political constituency. This encouraged political parties to address issues such as education, employment, skill development and youth welfare more prominently in their policies and election campaigns.

➤ Introduction to the Seventy- Third Constitutional Amendment Act, 1992:

The 73rd Constitutional Amendment Act, 1992⁶², marked a significant step towards strengthening local self-government in India. The idea of democratic decentralisation had been discussed for several decades and was supported by various committees, including the Balwant Rai Mehta Committee (1957), Ashok Mehta Committee (1978) and G. V. K. Rao Committee (1985), which highlighted the need to empower local institutions and increase public participation in governance. The amendment gave constitutional status to Panchayati Raj Institutions and established a framework for democratic governance at the village, intermediate and district levels, thereby strengthening grassroots democracy in the country.

➤ Provisions of the Seventy- Third Constitutional Amendment Act, 1992:

The amendment inserted **Part IX** into the Constitution, titled "The Panchayats," along with the **Eleventh Schedule**, laying the foundation for rural local governance. Its key provisions include:

1. Establishment of a Three-Tier System:

The amendment provided for a three-tier Panchayati Raj system ⁶³comprising Panchayats at the village, intermediate and district levels. This framework strengthened local self-government and gave constitutional recognition to rural governance institutions.

⁶² The Constitution (Seventy-Third Amendment) Act, 1992 (India) (inserting Part IX, which contains the foundational provisions establishing the uniform three-tier Panchayati Raj institutional hierarchy across rural jurisdictions).

⁶³ The Constitution (Seventy-Third Amendment) Act, 1992 (India) (inserting Part IX and the Eleventh Schedule); *see also* IND. CONST. art. 243B (establishing the mandatory three-tier structure of panchayats at the village, intermediate, and district levels).

2. Mandate for Direct Democratic Franchise:

The amendment establishes that all seats in a Panchayat, across all hierarchical levels, must be filled by persons chosen by direct election ⁶⁴ from territorial constituencies. This structural shift bypasses bureaucratic appointments, significantly strengthening democratic participation at the grass roots.

3. Reservation for Marginalised Groups:

The amendment provided for the reservation of seats for Scheduled Castes, Scheduled Tribes, and women, with not less than one-third ⁶⁵ of the total seats reserved for women. This measure aimed to promote inclusive representation and strengthen the participation of historically underrepresented groups in local governance.

➤ Impacts of the Seventy- Third Constitutional Amendment Act, 1992:

1. Strengthening Democratic Participation:

The amendment strengthened democratic participation by enabling citizens to take a more active role in local decision-making through Panchayati Raj Institutions. It brought governance closer to the people and increased public involvement in local affairs.⁶⁶

2. Social Inclusion:

By providing reservations for women, Scheduled Castes, and Scheduled Tribes, the amendment created greater opportunities for the participation of historically underrepresented groups in local governance and leadership.

3. Strengthening Local Governance:

Although challenges in implementation remain, the constitutional status granted to Panchayati Raj Institutions has strengthened local self-government and contributed to

⁶⁴ IND. CONST. art. 243C, cl. (2); *see also* IND. CONST. art. 243K.

⁶⁵ IND. CONST. art. 243D, cls. (1)– (3).

⁶⁶ IND. CONST. art. 243G.

greater accountability in rural administration and development.

➤ **Introduction to the Seventy-Fourth Constitutional Amendment Act, 1992:**

By the early 1990s, rapid urbanisation had created significant challenges in the governance and administration of India's towns and cities. While the 73rd Constitutional Amendment provided a constitutional framework for local self-government in rural areas, urban local bodies continued to operate without similar constitutional protection. The 74th Constitutional Amendment Act, 1992⁶⁷, addressed this gap by granting constitutional status to “**Urban Local Bodies (ULBs), including Municipal Corporations, Municipal Councils, and Nagar Panchayats**”. The amendment reflected the recommendations of various committees and commissions, particularly the National Commission on Urbanisation (1988), which emphasised the need for democratically elected and financially empowered local institutions to manage urban development and civic administration effectively.

➤ **Provisions of the Seventy-Fourth Constitutional Amendment Act, 1992:**

The amendment inserted **Part IXA**, titled "The Municipalities," into the Constitution and introduced the **Twelfth Schedule**, laying down the framework for urban governance:

1. **Constitution of Urban Local Bodies:**

The amendment provided a constitutional framework for the establishment of Urban Local Bodies across the country. It envisaged Nagar Panchayats for transitional areas, Municipal Councils for smaller urban areas and Municipal Corporations for larger urban centres, thereby creating a structured system of local governance in urban India.⁶⁸

2. **Direct Elections to Municipal Bodies:**

The amendment provided for the direct election of members to municipal bodies, thereby strengthening democratic participation in urban governance. By enabling citizens to elect their local representatives, it enhanced accountability, improved public representation and encouraged greater involvement of urban residents in local

⁶⁷ The Constitution (Seventy-Fourth Amendment) Act, 1992 (India) (inserting Part IXA and the Twelfth Schedule to provide a comprehensive constitutional blueprint for urban local self-governance).

⁶⁸ IND. CONST. art. 243Q, cl. (1).

administration and decision-making.⁶⁹

3. Devolution of Powers and Responsibilities:

The amendment inserted the Twelfth Schedule into the Constitution, which lists eighteen subjects that may be entrusted to municipalities. These include important areas such as urban planning, water supply, sanitation, public health, and other civic services. The Schedule was intended to strengthen urban local governance by providing a framework for the transfer of functions and responsibilities to municipal institutions.

➤ Impacts of the Seventy-Fourth Constitutional Amendment Act, 1992:

1. Empowerment of Urban Local Bodies:

The amendment granted constitutional status to Urban Local Bodies, including Municipal Corporations, Municipal Councils, and Nagar Panchayats. It strengthened their role in urban governance by providing a stable constitutional framework and enhancing their responsibility in local administration, urban planning, and the delivery of civic services.⁷⁰

2. Inclusive Urban Democracy:

The amendment provided for the reservation of seats for women, Scheduled Castes, and Scheduled Tribes in municipal bodies. This measure increased the participation of historically underrepresented groups in urban governance and created greater opportunities for their involvement in local decision-making and public administration.⁷¹

3. Strengthening Urban Service Delivery:

By assigning important functions to municipalities through the Twelfth Schedule, the amendment strengthened their role in the provision of civic services. It enabled Urban Local Bodies to play a more active role in areas such as urban planning, sanitation,

⁶⁹ IND. CONST. art. 243R, cl. (1) (stating that all the seats in a Municipality shall be filled by persons chosen by direct election from territorial constituencies in the Municipal area).

⁷⁰ IND. CONST. arts. 243P–243ZG.

⁷¹ IND. CONST. art. 243T, cls. (1) – (3).

public health and infrastructure development, thereby improving the administration of local services.⁷²

➤ **Introduction to the Eighty- Sixth Constitutional Amendment Act, 2002:**

The 86th Constitutional Amendment Act, 2002⁷³, marked an important step in strengthening the constitutional framework for education in India. The amendment recognised the importance of elementary education by making it a Fundamental Right for children between the ages of six and fourteen years. Through the insertion of Article 21A⁷⁴, the Constitution placed a clear obligation on the State to provide free and compulsory education to children within this age group. The amendment also reflected India's commitment to promoting educational opportunities for all children and was consistent with the principles recognised under international instruments such as the United Nations Convention on the Rights of the Child.⁷⁵

➤ **Provisions of the Eighty-Sixth Constitutional Amendment Act, 2002:**

The amendment introduced three major constitutional changes to promote the Right to Education:

1. **Insertion of Article 21A and Recognition of the Right to Education:**

The amendment inserted Article 21A into Part III of the Constitution, making free and compulsory education a Fundamental Right for all children between the ages of six and fourteen years. This provision placed a constitutional obligation on the State to provide elementary education in such manner as may be prescribed by law.

2. **Modification of Article 45:**

The amendment revised Article 45⁷⁶ of the Constitution and directed the State to endeavour to provide early childhood care and education for all children below the age

⁷² IND. CONST. art. 243W.

⁷³ The Constitution (Eighty-Sixth Amendment) Act, 2002 (India) (altering the constitutional status of elementary education to establish an enforceable state obligation).

⁷⁴ IND. CONST. art. 21A (mandating 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, by law, determine).

⁷⁵ Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3 (ratified by India on Dec. 11, 1992, mandating state parties to make primary education compulsory and available free to all).

⁷⁶ The Constitution (Eighty-Sixth Amendment) Act, 2002 (India) (amending IND. CONST. art. 45).

of six years. This change complemented the newly inserted Article 21A by focusing on the developmental needs of children before they enter formal schooling.

3. **Addition of Article 51A(k):**⁷⁷

The amendment inserted clause (k) into Article 51A, making it a Fundamental Duty of parents or guardians to provide educational opportunities to children between the ages of six and fourteen years. This provision emphasised the shared responsibility of the State and families in ensuring access to education.

➤ **Impacts of the Eighty- Sixth Constitutional Amendment Act, 2002:**

1. **Recognition of Education as a Fundamental Right:**

The amendment transformed access to elementary education from a Directive Principle into an enforceable Fundamental Right under Article 21A. This strengthened the constitutional framework for education and enabled citizens to seek legal remedies where the State failed to fulfil its obligation to provide free and compulsory education to children between the ages of six and fourteen years.

2. **Enactment of the Right to Education Act, 2009:**

The amendment was followed by the enactment of the Right of Children to Free and Compulsory Education Act, 2009, which specified how the right to free and compulsory education would be provided and implemented.⁷⁸

3. **Promotion of Educational Equality:**

The amendment aimed to ensure that children, irrespective of their social or economic background, had access to elementary education. By widening educational opportunities, it contributed to the broader goals of social justice, equality, and inclusive development.

⁷⁷ IND. CONST. art. 51A(k) (making it a Fundamental Duty of every parent or guardian to provide opportunities for education to a child or ward between the ages of six and fourteen years).

⁷⁸ The Right of Children to Free and Compulsory Education Act, No. 35 of 2009, INDIA CODE (2009) (providing the statutory framework for the implementation of the right guaranteed under IND. CONST. art. 21A).

➤ **Introduction to the One Hundred and One Constitutional Amendment Act, 2016**

The 101st Constitutional Amendment Act, 2016⁷⁹, introduced the Goods and Services Tax (GST), one of the most significant tax reforms in independent India. Before the introduction of GST, the indirect tax system consisted of multiple taxes imposed separately by the Union and the States, including excise duty, service tax, value added tax (VAT), entry tax, and luxury tax. This fragmented structure often resulted in overlapping taxation and increased compliance burdens. The amendment sought to create a more uniform system of indirect taxation by establishing a common framework for the levy and collection of GST across the country, thereby facilitating the movement of goods and services and promoting greater economic integration.

➤ **Provisions of the One Hundred and One Constitutional Amendment Act, 2016:**

The amendment introduced the constitutional framework for the Goods and Services Tax (GST) and restructured the distribution of taxation powers between the Union and the States.

1. **Concurrent Legislative Power under Article 246A:**

The amendment inserted Article 246A, granting both Parliament and State Legislatures the power to make laws relating to the Goods and Services Tax (GST). However, Parliament was given exclusive authority to legislate on GST in respect of inter-State trade or commerce, ensuring uniformity in transactions that cross State boundaries.⁸⁰

2. **Levy and Collection of GST on Inter-State Transactions:**

The amendment inserted Article 269A, which provides that GST on inter-State trade or commerce shall be levied and collected by the Central Government. The revenue collected is subsequently apportioned between the Union and the States in the manner prescribed by Parliament, based on the recommendations of the GST Council.⁸¹

⁷⁹ The Constitution (One Hundred and First Amendment) Act, 2016, No. 15 of 2016, INDIA CODE (2016) (introducing the Goods and Services Tax and inserting arts. 246A, 269A and 279A into the Constitution of India).

⁸⁰ IND. CONST. art. 246A (granting Parliament and State Legislatures the power to make laws with respect to goods and services tax, while conferring exclusive power on Parliament in relation to inter-State trade or commerce).

⁸¹ IND. CONST. art. 269A (1) (deeming the import of goods or services into the territory of India to be a supply during inter-State trade or commerce).

3. Amendments to the Seventh Schedule:

The amendment made several changes to the Seventh Schedule to facilitate the implementation of GST. It modified entries in both the Union List and the State List to remove overlapping taxation powers and align the constitutional distribution of taxing authority with the new GST regime.⁸²

➤ Impacts of the One Hundred and First Constitutional Amendment Act, 2016

The implementation of this constitutional framework has structurally altered the political economy of the Indian state:

1. Reduction of Multiple Tax Burdens:

The introduction of GST reduced the problem of tax being imposed at multiple stages of production and distribution. By allowing Input Tax Credit across the supply chain, it helped lower the overall tax burden on goods and services and contributed to a more efficient indirect tax system.

2. Strengthening Cooperative Federalism:

The amendment brought the Union and the States together in the administration of GST through the GST Council. While States gave up certain independent taxation powers, they became part of a common decision-making mechanism for GST-related matters, promoting greater coordination between different levels of government.

3. Promotion of Digital Tax Administration:

The implementation of GST encouraged greater use of digital platforms for tax registration, return filing and compliance. This contributed to improved tax administration, increased transparency, and wider participation in the formal economy.

⁸² The Constitution (One Hundred and First Amendment) Act, 2016 (India) (amending entries in the Union List and State List of the Seventh Schedule to facilitate the implementation of the Goods and Services Tax).

➤ **Introduction to the One Hundred and Three Constitutional Amendment Act, 2019:**

The 103rd Constitutional Amendment Act, 2019, introduced a significant change to India's reservation policy by recognising economic disadvantage as a basis for affirmative action. The amendment provided for a 10 % reservation in educational institutions and public employment for Economically Weaker Sections (EWS) of society, excluding persons already covered under the reservation categories for Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs). By incorporating economic criteria into the constitutional framework of reservations, the amendment expanded the scope of affirmative action and contributed to the continuing debate on equality and social justice in India⁸³.

➤ **Provisions of the One Hundred and Three Constitutional Amendment Act, 2019:**

The amendment introduced two significant changes to the Constitution:

1. **Amendment to Article 15:**

The amendment inserted clause (6) in Article 15, empowering the State to make special provisions for the advancement of Economically Weaker Sections (EWS) in matters relating to admission to educational institutions. These provisions extend to private unaided educational institutions but do not apply to minority educational institutions protected under Article 30(1).⁸⁴

2. **Amendment to Article 16:**

The amendment inserted clause (6) in Article 16⁸⁵, enabling the State to provide reservation in appointments and posts for Economically Weaker Sections (EWS) of citizens. The reservation may extend up to 10 % and operates separately from the reservations available to Scheduled Castes, Scheduled Tribes and Other Backward Classes.

⁸³ The Constitution (One Hundred and Third Amendment) Act, 2019 (India) (amending IND. CONST. arts. 15, 16 to insert clauses permitting special reservations for economically weaker sections of citizens).

⁸⁴ IND. CONST. art. 15(6) (enabling the State to make special provisions, including reservation, for the advancement of economically weaker sections in educational institutions, including private unaided institutions, other than minority educational institutions under Article 30(1)).

⁸⁵ IND. CONST. art. 16(6).

➤ **Impacts of the One Hundred and Three Constitutional Amendment Act, 2019:**

1. **Broadening the Scope of Affirmative Action:**

The amendment expanded the scope of reservations by recognising economic disadvantage as a basis for affirmative action. It extended the benefits of reservation to Economically Weaker Sections (EWS) who were not covered under the existing reservation categories for Scheduled Castes, Scheduled Tribes and Other Backward Classes.⁸⁶

2. **Legal and Constitutional Debates:**

The amendment generated significant constitutional debate, particularly in relation to the 50 % reservation ceiling discussed in *Indra Sawhney v. Union of India* (1992)⁸⁷. Its validity was challenged before the Supreme Court, which upheld the amendment by a 3:2 majority in *Janhit Abhiyan v. Union of India* (2022).⁸⁸

3. **Mixed Reactions from Society:**

The amendment received mixed responses from different sections of society. While many viewed it as a step towards extending the benefits of affirmative action to economically weaker sections, critics argued that it departed from the original objective of reservations, which was to address historical social and educational disadvantage rather than economic deprivation alone.

➤ **Introduction to the One Hundred and Six Constitutional Amendment Act, 2023:**

The 106th Constitutional Amendment Act, 2023⁸⁹, introduced a constitutional framework for reserving seats for women in the Lok Sabha, State Legislative Assemblies and the Legislative Assembly of the National Capital Territory of Delhi. Popularly known as the Women's Reservation Act, the amendment provides for the reservation of one-third of the total seats in these legislative bodies, including within the seats already reserved for Scheduled Castes and

⁸⁶ IND. CONST. arts. 15(6) & 16(6).

⁸⁷ *Indra Sawhney v. Union of India*, 1992 Supp. (3) SCC 217.

⁸⁸ *Janhit Abhiyan v. Union of India*, (2023) 5 SCC 1.

⁸⁹ The Constitution (One Hundred and Sixth Amendment) Act, 2023 (India) (amending the constitutional text to institute a thirty-three percent gender-based reservation framework for legislative seats).

Scheduled Tribes. The amendment reflects an effort to enhance the representation of women in legislative institutions and promote their participation in the democratic process

➤ **Provisions of the One Hundred and Six Constitutional Amendment Act, 2023:**

The amendment inserted provisions to enable greater women's representation:

1. **Reservation of Seats for Women:**

2. The amendment provides for the reservation of not less than one-third of the total seats filled by direct election in the Lok Sabha, State Legislative Assemblies and the Legislative Assembly of the National Capital Territory of Delhi for women. This reservation also extends to seats already reserved for Scheduled Castes and Scheduled Tribes, thereby seeking to increase women's representation in legislative bodies.⁹⁰

3. **Reservation within SC and ST Categories:**

The amendment provides that within the seats reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs), not less than one-third shall be reserved for women belonging to those categories. This measure seeks to ensure the representation of women from historically disadvantaged communities within legislative institutions.⁹¹

4. **Duration of Reservation:**

The amendment provides that the reservation of seats for women shall continue for a period of fifteen years from its commencement. However, Parliament retains the power to extend this period through a future constitutional amendment if considered necessary.⁹²

➤ **Impacts of the One Hundred and Six Constitutional Amendment Act, 2023:**

1. **Enhanced Representation of Women in Legislatures:**

The amendment seeks to increase the participation of women in legislative bodies by

⁹⁰ IND. CONST. arts. 330A, 332A & 239AA.

⁹¹ IND. CONST. arts. 330A (2) & 332A (2).

⁹² IND. CONST. arts. 334A (1) & (2).

reserving one-third of the seats for them. It is expected to improve women's representation in political decision-making and encourage greater participation of women in public affairs.

2. Greater Attention to Issues Affecting Women:

Increased representation of women in legislative bodies may lead to greater attention being given to issues such as education, healthcare, safety and gender equality in legislative debates and policymaking.⁹³

3. Challenges in Implementation:

The implementation of the amendment is linked to the completion of the next delimitation exercise following the first Census conducted after its commencement. As a result, the reservation provisions may not take effect immediately, giving rise to concerns regarding the timeline for their implementation.⁹⁴

➤ Conclusion:

The history of constitutional amendments in India reflects the dynamic nature of the constitution as a living document. These amendments collectively highlight a salient feature of the Indian Constitution: its unique, simultaneous blend of rigidity and flexibility.

From the 1st Constitution Amendment Act to 106th Constitution Amendment Act (as of June 2026), constitutional change has been used for evolving political, social and economic environment. They have also influenced the development of Indian democracy by considering the issues such as land reforms, federal structuring, electoral participation, decentralisation, education, social justice, economic policy and gender representation.

Several amendments discussed in this study demonstrates that constitutional change can improve democratic participation and social inclusion. On the other hand, 73rd and 74th Constitutional Amendments plays a crucial role on strengthening and improving the democratic structure at grassroot level. The 86th Constitutional Amendment transformed education into a fundamental right, while 101st Constitutional Amendment introduced a

⁹³ IND. CONST. arts. 330A & 332A.

⁹⁴ IND. CONST. art. 334A.

unified indirect taxation system through Goods and Services Tax, the 103rd Constitutional Amendment extended the reservation benefits to EWS and the 106th Constitutional Amendment increased the women's participation and representation in legislative institutions.

More than seventy years after its adoption, the Constitution continues to serve as the foundation of India's democratic system. The history of constitutional amendments shows that the Constitution has evolved through a combination of parliamentary action and judicial interpretation. This process has allowed institutional reforms to take place while preserving the constitutional framework established by the Constitution itself.