

# Constitutional Amendments – Traps

A comprehensive guide to the most common misconceptions and traps related to Constitutional Amendments in India. This document covers amendment procedures, major historical amendments, landmark case laws, and the Basic Structure Doctrine.

# Amendment Procedure & Nature

## Trap 1

- ✗ Constitution originally had no amendment procedure.
- ✓ Part XX (Art. 368) provided it from the start.

## Trap 2

- ✗ Every amendment needs President's discretion.
- ✓ President must give assent (Art. 368(2)).

## Trap 3

- ✗ All amendments need ratification by States.
- ✓ Only when federal provisions are affected (e.g., President's election, distribution of powers, SC/HC jurisdiction).

## Trap 4

- ✗ All amendments are by special majority.
- ✓ Some are by simple majority (e.g., Art. 2, 3, 4).

## Trap 5

- ✗ CA Bill = ordinary bill.
- ✓ It is a special bill (not ordinary or money bill).

## Trap 6

- ✗ CA Bills lapse with LS dissolution.
- ✓ They do not lapse.

## Trap 7

- ✗ Amendments can be passed in Joint Sitting.
- ✓ No Joint Sitting for CA Bills.

## Trap 9

- ✗ CA Bills can be introduced only in LS.
- ✓ Can be introduced in either House.

## Trap 8

- ✗ Rajya Sabha has no role in amendments.
- ✓ Must pass in both Houses.

## Trap 10

- ✗ Governor assents to amendments.
- ✓ Only President assents.

# Major Early Amendments

## 1 Trap 11

- ✗ 1st Amendment (1951) only about Zamindari abolition.
- ✓ It also added 9th Schedule + curbs on FRs (speech, trade).

## 2 Trap 12

- ✗ 7th Amendment (1956) reorganised Panchayats.
- ✓ It reorganised States & High Courts.

## 3 Trap 13

- ✗ 24th Amendment curtailed Parliament's power.
- ✓ It affirmed Parliament's power to amend FRs.

## Trap 14

- ✗ 25th Amendment (1971) abolished FRs.
- ✓ Restricted Right to Property, primacy to DPSPs (39(b)(c)).

## Trap 15

- ✗ 26th Amendment created Privy Purses.
- ✓ It abolished Privy Purses & derecognised princes.

## Trap 16

- ✗ 31st Amendment froze delimitation permanently.
- ✓ Increased LS seats but freeze was temporary.

## Trap 17

- ✗ 36th Amendment made Goa state.
- ✓ It made Sikkim the 22nd state (1975).

# Emergency & Post-Emergency Amendments



## Trap 18

✗ 42nd Amendment (1976) = only Duties.

✓ It was the "Mini-Constitution" (Duties, DPSPs primacy, curtailed FRs, extended LS/Assemblies, curbed judiciary).



## Trap 19

✗ 44th Amendment (1978) restored Right to Property.

✓ It downgraded it to legal right (Art. 300A).

The 42nd Amendment was called the **"Mini-Constitution"** due to its extensive changes, while the 44th Amendment was a corrective measure post-Emergency.

# Later Landmark Amendments

01

## Trap 20

✗ 52nd Amendment (1985) = Panchayati Raj.

✓ It introduced Anti-Defection Law (10th Schedule).

02

## Trap 21

✗ 61st Amendment (1989) = LS candidature age.

✓ Lowered voting age from 21 → 18.

03

## Trap 22

✗ 69th Amendment (1991) = full statehood to Delhi.

✓ It created NCT with Assembly, not statehood.

04

## Trap 23

✗ 73rd Amendment = Municipalities.

✓ It gave constitutional status to Panchayati Raj (Part IX).

## Trap 24

✗ 74th Amendment = Panchayati Raj. ✓ It created Municipalities (Part IXA).

## Trap 25

✗ 86th Amendment (2002) = only RTE. ✓ It added Art. 21A, modified Art. 45, inserted 51A(k).

## Trap 26

✗ 91st Amendment (2003) = Panchayats. ✓ It capped Council of Ministers at 15%.

## Trap 27

✗ 92nd Amendment = cooperatives. ✓ It added 4 languages (Bodo, Dogri, Maithili, Santhali) to 8th Schedule.

## Recent Amendment Traps

- **Trap 28:** ✗ 93rd Amendment = environment. ✓ It allowed OBC reservation in private unaided institutions.
- **Trap 29:** ✗ 94th Amendment = abolished Legislative Councils. ✓ It removed Bihar's compulsory Legislative Council provision.
- **Trap 30:** ✗ 97th Amendment = abolished cooperatives. ✓ It gave constitutional status to cooperatives (Part IXB) + Art. 43B.

## Modern Era Amendments

- **Trap 31:** ✗ 99th Amendment (2014) = permanent. ✓ It established NJAC, struck down by SC (2015).
- **Trap 32:** ✗ 100th Amendment (2015) = GST. ✓ It ratified India-Bangladesh Land Boundary Agreement.
- **Trap 33:** ✗ 101st Amendment abolished Finance Commission. ✓ It introduced GST Council; Finance Commission continues.

## Trap 34

✗ 102nd Amendment = Panchayat reservation.

✓ It gave constitutional status to NCBC.

## Trap 35

✗ 103rd Amendment (2019) = OBC reservation.

✓ It introduced 10% EWS quota.

## Trap 36

✗ 104th Amendment = ended SC/ST reservation.

✓ It extended SC/ST reservation till 2030 & abolished Anglo-Indian nomination.

## Trap 37

✗ 105th Amendment (2021) repealed OBC reservation.

✓ It restored State power to identify OBCs.

# Case Law & Basic Structure Doctrine

## Trap 38 - Kesavananda (1973)

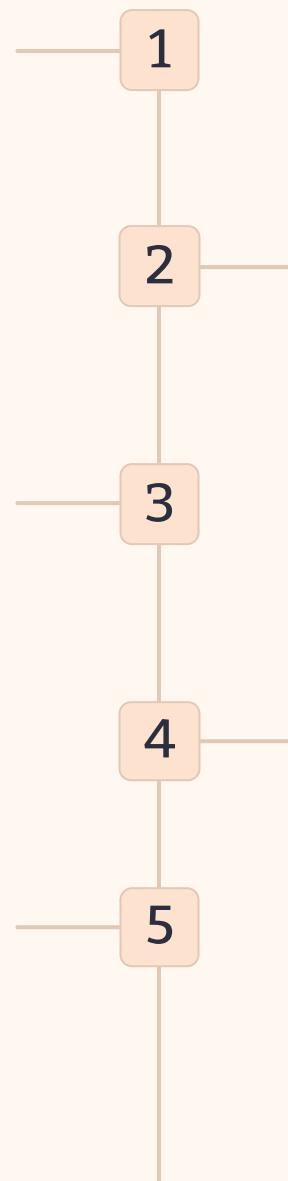
- ✗ Kesavananda (1973) upheld unlimited amending power.
- ✓ It limited power via Basic Structure Doctrine.

## Trap 40 - Minerva Mills (1980)

- ✗ Minerva Mills (1980) gave DPSPs supremacy.
- ✓ It reaffirmed balance of FRs & DPSPs.

## Trap 42 - I.R. Coelho (2007)

- ✗ I.R. Coelho (2007) exempted 9th Schedule laws.
- ✓ Even 9th Schedule laws reviewable post-1973.



## Trap 39 - Indira Gandhi v. Raj Narain (1975)

- ✗ Indira Gandhi v. Raj Narain (1975) upheld 39th Amendment.
- ✓ It struck it down (free elections = Basic Structure).

## Trap 41 - Waman Rao (1981)

- ✗ Waman Rao (1981) invalidated 9th Schedule.
- ✓ Pre-1973 laws valid; post-1973 laws subject to Basic Structure.

## Trap 43

- ✗ 42nd Amendment fully upheld.
- ✓ Parts curbing judicial review struck down.

## Trap 44

- ✗ Speaker certifies CA Bills.
- ✓ No Speaker role (only in Money Bills).

## Trap 45

- ✗ President can veto CA Bills.
- ✓ President must assent.

# Oddball / UPSC-Favourite Traps

## Procedural Traps

- **Trap 46:** ❌ CA Bill needs voice vote only. ✅ Needs special majority.
- **Trap 47:** ❌ CA Bills can lapse. ✅ They do not lapse.
- **Trap 48:** ❌ States can withdraw ratification. ✅ Once given, cannot be withdrawn.

## Historical Facts

- **Trap 49:** ❌ No amendment has ever been struck down. ✅ 99th Amendment (NJAC) struck down.
- **Trap 50:** ❌ 42nd Amendment extended LS term permanently. ✅ Only during Emergency (6 years), later restored.
- **Trap 51:** ❌ All amendments strengthen Centre. ✅ Some decentralised (73rd, 74th, 97th).

### Trap 52

❌ Constitutional Amendment = Constitution-making power. ✅ It is a derivative power under Art. 368, limited by Basic Structure.

### Trap 53

❌ 104th Amendment ended SC/ST reservation. ✅ It extended SC/ST till 2030, only Anglo-Indians abolished.

### Trap 54

❌ 103rd Amendment struck down by SC. ✅ SC upheld EWS quota (2022).

### Trap 55

❌ All Amendments need Judicial Review. ✅ Only those violating Basic Structure can be struck.

### → Trap 56

❌ Parliament alone decides amendment validity.  
✅ SC is final interpreter via Basic Structure doctrine.

### → Trap 57

❌ All Constitutional Amendments weaken judiciary.  
✅ Some strengthened independence (e.g., 44th Amendment restored judicial review).

### → Trap 58

❌ 97th Amendment upheld in entirety.  
✅ Part IXB struck down for States, but valid for Union territories & Centre.

### → Trap 59

❌ 105th Amendment created a new NCBC.  
✅ It only restored States' power for OBC lists.

### → Trap 60

❌ Constitutional Amendment is unlimited.  
✅ It is limited by Basic Structure.

✅ Remember: Constitutional amendments are a **derivative power** limited by the Basic Structure Doctrine, not an unlimited power to rewrite the Constitution.