CONSTITUTION (130TH AMENDMENT) BILL, 2025

Ministerial and Constitutional Readiness Checklist | Position reviewed 12 November 2026

Critical status: The Bill was introduced in Lok Sabha on 20 August 2025 as Bill No. 111 of 2025 and referred to a Joint Committee. Digital Sansad continues to list it as referred to the Committee. No enacted amendment or Gazette commencement notification was identified by 12 November 2026. The Bill itself says it would commence only on a date appointed by the Central Government by Official Gazette notification. There is no confirmed 2027 start date.

1. Understand the proposed trigger — do not treat it as current law

[ ] Confirm that the person was holding the relevant ministerial office during the entire period being assessed.

[ ] Verify whether the person was both arrested and detained in custody for 30 consecutive days. An arrest alone, without the specified continuous custody, is not the trigger in the introduced text.

[ ] Identify the exact offence provision and check its maximum prescribed imprisonment. The Bill uses an offence punishable with imprisonment for a term that may extend to five years or more; it does not require that a five-year sentence actually be imposed.

[ ] Record the exact date and time of arrest, remand / custody orders, release, bail and any interruption in custody. Do not infer the trigger from media reports.

[ ] Note that the introduced text does not require conviction or a charge to have been framed before the proposed ministerial consequence is triggered.

[ ] Distinguish ministerial office from legislative membership. The Bill proposes cessation of ministerial office; it does not, by itself, create a separate conviction or membership disqualification.

2. Proposed constitutional route

[ ] Union Minister: proposed Article 75(5A) — removal by the President on the Prime Minister’s advice, to be tendered by the 31st day; if advice is not tendered by then, the Minister ceases to hold office with effect from the day thereafter.

[ ] Prime Minister: proposed Article 75(5A) — resignation by the 31st day after the specified custody; otherwise the Prime Minister ceases to hold office with effect from the day thereafter.

[ ] State Minister / Chief Minister: proposed Article 164(4A) — corresponding Governor / Chief Minister advice and resignation mechanism.

[ ] Delhi: proposed Article 239AA(5A) — corresponding provisions for the National Capital Territory.

[ ] Puducherry and Jammu & Kashmir: separate companion Bills propose corresponding amendments to their Union Territory statutes; do not attribute those clauses to Article 239AA itself.

[ ] The introduced text allows a person to be appointed again as Prime Minister, Chief Minister or Minister after release from custody, subject to the existing appointment provisions.

3. Questions for constitutional and criminal-law review

[ ] Is the alleged offence correctly classified by its statutory maximum punishment, and are multiple counts / statutes being analysed separately?

[ ] What remand, bail and release orders exist? Has the custody period actually reached 30 consecutive days?

[ ] What safeguards should govern errors in offence classification, mistaken identity, invalid detention or later quashing of proceedings?

[ ] How would the proposed rule interact with collective responsibility, legislative confidence, the PM / CM’s choice of ministers and continuity of administration?

[ ] Could investigative action by an agency operating under one level of government affect the tenure of a minister in another level? Consider federalism and separation-of-powers concerns.

[ ] Does the final text preserve effective judicial review and procedural safeguards under Articles 14 and 21?

[ ] What is the position of the companion Government of Union Territories (Amendment) Bill, 2025 and Jammu and Kashmir Reorganisation (Amendment) Bill, 2025?

4. Existing law compared with the introduced proposal

Issue	Existing constitutional position	Introduced Bill proposal
Arrest / custody	No general automatic ministerial cessation solely because of arrest or pre-trial custody.	30 consecutive days in custody plus the specified offence-punishment threshold.
Conviction	RPA Section 8 provides conviction-based disqualification for specified offences / sentences.	The proposed ministerial trigger does not require conviction or a framed charge.
Minister	Appointment and tenure operate under Articles 75 / 164 and constitutional conventions.	PM / CM advice for removal by day 31; automatic cessation if advice is not tendered by then.
PM / CM	Must retain the confidence of the relevant House; no 30-day custody rule currently appears in these Articles.	Must tender resignation by day 31 or cease to hold office thereafter.
Return to office	Appointment follows existing constitutional requirements.	The Bill expressly preserves the possibility of reappointment after release from custody.

5. Legislative watchlist for 2027

[ ] Check the Joint Committee's latest meeting record, draft / final report, recommendations and any proposed amendments.

[ ] Confirm passage by each House of Parliament using the Article 368 special-majority procedure. The Houses vote separately; a joint sitting is not the route for a constitutional amendment.

[ ] Check the final Bill text for any change to Articles 75, 164, 239AA or the companion Union Territory statutes.

[ ] Check whether the final text engages any State-ratification requirement under the proviso to Article 368; do not assume that ratification is or is not required without examining the enacted text.

[ ] Look for Presidential assent, the Act number and the Official Gazette commencement notification. The Bill's commencement clause leaves the date to a future Gazette notification.

[ ] Until commencement, apply the existing Constitution, the Representation of the People Act, 1951, BNSS 2023 and applicable remand / bail orders — not the proposed 30-day rule.

6. Primary sources

Constitution (One Hundred and Thirtieth Amendment) Bill, 2025, as introduced (Bill No. 111 of 2025):
https://sansad.in/getFile/BillsTexts/LSBillTexts/Asintroduced/130th%20eng820202532515PM.pdf?source=legislation
Digital Sansad — Joint Committee on the 130th Amendment Bill and companion Bills:
https://sansad.in/ls/committee/other-committees/84-JCCA%20and%20UTB-nameH=undefined
Lok Sabha Secretariat press communique inviting memoranda, 9 January 2026:
https://sansad.in/getFile/app/lsscommittee/JCCA%20and%20UTB/pr_files/Press%20Communique%20130th%20Const%20ENGLISH.pdf?source=app
Constitution of India (India Code): https://www.indiacode.nic.in/bitstream/123456789/19151/1/constitution_of_india.pdf
Representation of the People Act, 1951 (India Code): https://www.indiacode.nic.in/bitstream/123456789/2096/9/A1951-43.pdf
Supreme Court — Manoj Narula v Union of India (2014): https://api.sci.gov.in/jonew/judis/41850.pdf
Supreme Court — Lily Thomas v Union of India (2013): https://api.sci.gov.in/jonew/judis/40545.pdf

Disclaimer: This checklist is an educational briefing aid, not an official form, legal opinion, bail strategy or instruction to any constitutional authority. The 30-day rule is proposed, not in force. It must not be applied to any person unless and until the relevant amendment is enacted and commenced. Verify the final text, Gazette and case-specific orders before acting.