

Bill No. 111 of 2025

**THE CONSTITUTION (ONE HUNDRED AND THIRTIETH
AMENDMENT) BILL, 2025**

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BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-sixth Year of the Republic of India
as follows:—

1. (1) This Act may be called the Constitution (One Hundred and Thirtieth
Amendment) Act, 2025.

Short title and
commencement.

5 (2) It shall come into force on such date as the Central Government may, by
notification in the Official Gazette, appoint.

Amendment of
article 75.

2. In article 75 of the Constitution, after clause (5), the following clause shall be inserted, namely:—

“(5A) A Minister, who for any period of thirty consecutive days during holding the office as such, is arrested and detained in custody, on allegation of committing an offence under any law for the time being in force, which is punishable with imprisonment for a term which may extend to five years or more, shall be removed from his office by the President on the advice of the Prime Minister to be tendered by the thirty-first day, after being taken in such custody: 5

Provided that if the advice of the Prime Minister, for the removal of such Minister is not tendered to the President by the thirty-first day, he shall cease to be a Minister, with effect from the day falling thereafter: 10

Provided further that in case of the Prime Minister, who for any period of thirty consecutive days during holding the office as such, is arrested and detained in custody, on allegation of committing an offence under any law for the time being in force, which is punishable with imprisonment for a term which may extend to five years or more, shall tender his resignation by the thirty-first day after such arrest and detention, and if he does not tender his resignation, he shall cease to be the Prime Minister with effect from the day falling thereafter: 15 20

Provided also that nothing in this clause shall prevent such Prime Minister or Minister from being subsequently appointed as the Prime Minister or a Minister, by the President, on his release from custody, as per clause (1).”.

Amendment of
article 164.

3. In article 164 of the Constitution, after clause (4), the following clause shall be inserted, namely:— 25

“(4A) A Minister, who for any period of thirty consecutive days during holding the office as such, is arrested and detained in custody, on allegation of committing an offence under any law for the time being in force, which is punishable with imprisonment for a term which may extend to five years or more, shall be removed from his office by the Governor on the advice of the Chief Minister to be tendered by the thirty-first day, after being taken in such custody: 30

Provided that if the advice of the Chief Minister, for the removal of such Minister is not tendered to the Governor by the thirty-first day, he shall cease to be a Minister, with effect from the day falling thereafter:

Provided further that in case of a Chief Minister, who for any period of thirty consecutive days during holding the office as such, is arrested and detained in custody, on allegation of committing an offence under any law for the time being in force, which is punishable with imprisonment for a term which may extend to five years or more, shall tender his resignation by the thirty-first day after such arrest and detention, and if he does not tender his resignation, he shall cease to be the Chief Minister, with effect from the day falling thereafter: 35 40

Provided also that nothing in this clause shall prevent such Chief Minister or Minister from being subsequently appointed as the Chief Minister or a Minister, by the Governor, on his release from custody, as per clause (1).”.

Amendment of
article 239AA.

4. In article 239AA of the Constitution, after clause (5), the following clause shall be inserted, namely:— 45

“(5A) Subject to the provisions of this Constitution, if a Minister, who for any period of thirty consecutive days during holding the office as such, is arrested and detained in custody, on allegation of committing an offence under any law for the time being in force, which is punishable with imprisonment for a term which may extend to five years or more, shall be removed from his office, by the President on the advice of the Chief Minister to be tendered by the thirty-first day, after being taken in such custody: 50

Provided that if the advice of the Chief Minister for removal of such Minister is not tendered to the President by the thirty-first day, he shall cease to be a Minister, with effect from the day falling thereafter:

5 Provided further that in case of the Chief Minister, who for any period
of thirty consecutive days during holding the office as such, is arrested and
detained in custody, on allegation of committing an offence under any law for
the time being in force, which is punishable with imprisonment for a term
which may extend to five years or more, shall tender his resignation by the
thirty-first day after such arrest and detention, and if he does not tender his
10 resignation, he shall cease to be the Chief Minister, with effect from the day
falling thereafter:

Provided also that nothing in this clause shall prevent such Chief Minister or Minister from being subsequently appointed as the Chief Minister or a Minister, by the President, on his release from custody, as per clause (5).”.

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STATEMENT OF OBJECTS AND REASONS

The elected representatives represent hopes and aspirations of the people of India. It is expected that they rise above political interests and act only in the public interest and for the welfare of people.

2. It is expected that the character and conduct of Ministers holding the office should be beyond any ray of suspicion.

3. A Minister, who is facing allegation of serious criminal offences, arrested and detained in custody, may thwart or hinder the canons of constitutional morality and principles of good governance and eventually diminish the constitutional trust reposed by people in him.

4. There is however, no provision under the Constitution for removal of a Minister who is arrested and detained in custody on account of serious criminal charges.

5. In view of the above, there is a need to amend articles 75, 164 and 239AA of the Constitution, for providing legal framework for removal of the Prime Minister or a Minister in the Union Council of Ministers and the Chief Minister or a Minister in the Council of Ministers of States and the National Capital Territory of Delhi in such cases.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;

AMIT SHAH.

The 19th August, 2025.

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LOK SABHA

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further to amend the Constitution of India.

(Shri Amit Shah, Minister of Home Affairs and Cooperation)