

AS INTRODUCED IN THE RAJYA SABHA
ON THE 13TH MARCH, 2026

Bill No. XVIII of 2026

THE CONSTITUTION (AMENDMENT) BILL, 2026

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further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2026.
(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Short title and commencement.

2. In article 366 of the Constitution, after clause (15), the following shall be inserted, namely: —

“(15A) "minority" means a community whose population, whether based on religion or language, according to the latest official census, is two per cent or less of the total population of the country: 5

Provided that where the percentage of population of any such community in any State or Union territory exceeds the percentage of its population in the country, that community shall not be deemed to be a minority in that State or Union territory:

Provided further that within a State or Union territory, if the population of any such community in any district is more than its national average, it shall not be treated as a minority in that district;” 10

STATEMENT OF OBJECTS AND REASONS

The resolve of our Constitution, particularly under Articles 29 and 30, was to provide a 'sacred protective shield' to the numerically weaker sections. The primary objective was to ensure that their unique cultural and educational identity was not overshadowed by the influence of the majority society. However, for the past seventy-seven years, our Republic has been functioning with a serious constitutional vacuum as the word 'minority' has not been defined anywhere. In this constitutional vacuum, minority status has been determined by executive notifications of the Central Government rather than by objective criteria. This approach has created a deep divide between the constitutional intent and the demographic realities of 21st century India.

The current system relies on a "national-level comprehensive standard" that generates serious statistical and social discrepancies. Under the current framework, communities that are numerically dominant and socially empowered in specific areas are also benefiting from those safeguards that were originally designed for the vulnerable groups. When a group is the majority locally, but continues to claim to be a minority group, it creates a situation of geographical inequality that inadvertently suppresses the rights and voice of those communities who are truly in the minority.

The Bill seeks to replace political discretion with mathematical certainty by setting a clear national limit of 'two per cent.'. Any community which constitutes more than two per cent. of the population at the national level possesses sufficient collective power and social capital to preserve its heritage and does not require special intervention of Articles 29, 30, 350A and 350B. By focusing the definition of minority to a maximum limit of two per cent., it is ensured that the security apparatus of the state is fully focused on those communities which are evidently a minority at the national level.

In addition, the Bill acknowledges that the minority status must be in accordance with the demographic context of the State, as suggested in the landmark 11-Judge Bench of the Supreme Court judgment in T. M. A. Pai Foundation vs. State of Karnataka. The Bill goes a step further by proposing a comprehensive three-tier examination for the identification of the minorities.

First, the population of the community should be below the two per cent. limit at the national level. Secondly, even if a community fulfils this eligibility at the national level, it will not be treated as a minority in any state where the percentage of its population is higher than the national average. Thirdly, this principle of geographical neutrality is to be extended to the district level. If the population of a community in a particular district is more than the national percentage, it would lose its status as a minority within the jurisdiction of that particular district.

The purpose of this amendment is not to strip away one's rights, but to ensure that the rights benefit the right people. The amendment also seeks to revive the very essence of the founding fathers of the Constitution to create a system where the constitutional safeguards are demographically accurate, regionally unbiased and honest to the ground realities of the Indian populace.

Hence, this Bill.

BHIM SINGH.

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(Dr. Bhim Singh, M.P.)