

AS INTRODUCED IN THE RAJYA SABHA
ON THE 5TH DECEMBER, 2025

Bill No. LVII of 2025

THE CONSTITUTION (AMENDMENT) BILL, 2025

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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 (Amendment) Act, 2025.

(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 107 of the Constitution:—

(i) for clause (2), the following shall be substituted, namely:—

“(2) Subject to the provisions of articles 108 and 109, a Bill shall not be deemed to have been passed by the Houses of Parliament unless it has—

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(a) undergone a minimum period of thirty days of public pre-legislative consultation in all official languages, as may be prescribed by Parliament by law and the rules framed thereunder, if any;

(b) been scrutinised by a Parliamentary Committee; and

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(c) been agreed to by both Houses, either without amendment or with such amendments only as are agreed to by both Houses.”

(ii) after clause (2), the following new clause shall be inserted, namely: —

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“(2A) Parliament shall, by law, provide for post-legislative public consultation and review, including the participation of citizens and relevant Parliamentary Committees, to assess the effectiveness, implementation, and impact of laws passed by the Parliament:

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Provided that such review shall be conducted not later than six months of enactment of the Act and at periodic intervals thereafter, as may be prescribed, and its findings shall be laid before both Houses of Parliament.”

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STATEMENT OF OBJECTS AND REASONS

Comprehensive parliamentary oversight is required for effective lawmaking. However, the increasing complexity and wide remit of the Parliament very often means that a thorough discussion of Bills is seldom possible on the floor of the House. For instance, during the 17th Lok Sabha, 35 per cent. of the Bills introduced in Lok Sabha and 34 per cent. of the Bills introduced in Rajya Sabha were passed with less than half an hour of discussion.

Parliamentary committees provide a platform for in-depth scrutiny of Bills, ensuring greater accountability and transparency. The Committees also facilitate meaningful consultation with experts and stakeholders on the Bills. However, there has been a substantial decline in the referral of Bills to Parliamentary Committees. The 16th and 17th Lok Sabhas saw only 28 per cent. and 16 per cent. respectively of Bills, being referred to Committees as against 60 per cent. and 71 per cent. of Bills in the 14th and 15th Lok Sabha respectively. So far, out of the 20 Bills introduced in the 18th Lok Sabha, only 4 have been referred to a Parliamentary Committee.

The National Commission to Review the Working of the Constitution has recommended referring all Bills to the Departmentally Related Parliamentary Standing Committees for better legislative oversight and quality. Upholding the sanctity of the legislative process in a representative democracy calls for a careful examination of all proposed legislation. Incorporating a provision in the Constitution itself to ensure mandatory scrutiny of all Bills by Parliamentary Committees prior to their passage by the Parliament will ensure more detailed and informed deliberation on a Bill and will also serve to ensure greater executive accountability to the Parliament.

In 2014, the Pre-Legislative Consultation Policy (PLCP) was introduced by the Ministry of Law and Justice with the objective of enhancing transparency, accountability, and public participation in the legislative process. The policy mandates that all Ministries and Departments place draft legislation in the public domain for at least 30 days, along with explanatory notes, to enable informed public feedback before submission for Cabinet and Parliamentary consideration.

Paragraph 11 of the PLCP allows Ministries and Departments significant discretion to bypass the policy's requirements if they deem public consultation to be "not feasible" or "undesirable". This broad exemption creates a major loophole that undermines the very purpose of the policy.

Comparative constitutional frameworks offer valuable lessons in—

A) Pre-legislative Consultation

In South Africa, the Constitution mandates that all proposed legislation undergo a process of meaningful public engagement prior to enactment. This requirement is not merely procedural but substantive, and failure to comply renders the law unconstitutional, as affirmed by the Constitutional Court.

Similarly, in South Korea, public participation has been institutionalized through legal provisions that require all draft legislation to be published at least 20 days in advance of introduction in the legislature. This ensures sufficient time for public scrutiny, feedback, and deliberation.

B) Post- Legislative Consultation

Australia excels in post-legislative consultation due to its use of sunset clauses, which mandate reviews of laws to assess their effectiveness. The Office of Impact Analysis conducts transparent post-implementation reviews, incorporating stakeholder feedback and publishing outcomes. Public consultation is accessible through platforms, ensuring broad participation and clear documentation.

Canada's legislative framework also includes sunset clauses for certain laws, requiring periodic evaluation with public input. Parliamentary committees lead post-legislative scrutiny, engaging citizens and experts to assess impacts. Reports on law performance are shared publicly.

The United Kingdom has a strong post-legislative scrutiny system, led by Committees that review laws three to five years post-enactment.

Adopting a stronger, enforceable consultation framework would not only align India with global best practices but also reinvigorate public trust and democratic engagement in the legislative process.

In a democratic republic, the legitimacy of lawmaking derives not only from elected representation but also from public participation, transparency, and accountability. While Article 107 of the Constitution governs the introduction and passage of Bills in Parliament, it does not explicitly require public consultation or post-legislative evaluation, both of which are critical in ensuring that laws serve the people effectively and remain adaptable to social realities.

Recent experiences in legislation have highlighted the need for institutionalizing pre-legislative public consultation, so that stakeholders, civil society, and citizens have an opportunity to scrutinize and provide input on proposed laws. This ensures that the legislative process is not only procedurally valid but also democratically robust.

Further, there is a growing recognition that post-legislative review mechanisms are essential to assess the impact, implementation, and unintended consequences of laws, allowing Parliament to make timely amendments or repeals where necessary. This will enhance the overall quality and responsiveness of legislation.

Accordingly, this Amendment Bill seeks to:

1. Make scrutiny of all Bills by Parliamentary Committees mandatory prior to their passing by Parliament;
2. Mandate a minimum thirty-day public consultation period before any Bill can be considered validly passed by Parliament; and
3. Introduce a framework for post-legislative evaluation through public and committee-based reviews.

These measures will strengthen democratic governance, increase transparency, and ensure that laws are not only made in the name of the people but also with their informed participation and ongoing oversight.

Hence, this Bill.

DEREK O'BRIEN.

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

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| * | * | * | * | * |
| 107. | (1) Subject to the provisions of articles 109 and 117 with respect to Money Bills and other financial Bills, a Bill may originate in either House of Parliament. | Provisions as to introduction and passing of Bills. | | |
| | (2) Subject to the provisions of articles 108 and 109, a Bill shall not be deemed to have been passed by the Houses of Parliament unless it has been agreed to by both Houses, either without amendment or with such amendments only as are agreed to by both Houses. | | | |
| | (3) A Bill pending in Parliament shall not lapse by reason of the prorogation of the Houses. | | | |
| | (4) A Bill pending in the Council of States which has not been passed by the House of the People shall not lapse on a dissolution of the House of the People. | | | |
| | (5) A Bill which is pending in the House of the People, or which having been passed by the House of the People is pending in the Council of States, shall, subject to the provisions of article 108, lapse on a dissolution of the House of the People. | | | |
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RAJYA SABHA

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(Shri Derek O'Brien, M.P.)