

Constitutional Amendment Bill, 2025

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Constitutional Amendment Bill, 2025

It is under the given implications of the current constitution, which is secular in nature, secularism brazenly and proudly represented as an idea through Articles 25-28 of the constitution which leads to the removal of the term from the preamble.

1. Short Title, Extent, and Commencement

- a. This act may be called or referred to as the Constitutional Amendment Bill, 2025.
- b. It shall come into force on the 1st day of June 2025.
- c. It extends to the States and Union territories of India, as defined in Article 12 of the Constitution.

2. Definitions

- a. **"Civil Services"** refer to the permanent executive branch of the government, responsible for implementing laws and policies, as defined under Article 312 of the Constitution.
 - b. **"Directive Principles of State Policy"** are guidelines in the Indian Constitution (Part IV) for the government to establish a just society; they are non-justiciable but fundamental in governance.
 - c. **"Fundamental Rights"** in India are the basic human rights guaranteed by the Constitution under Part III, enforceable by courts, to ensure individual liberty and equality.
 - d. **"Polarize"** means to cause division into sharply contrasting groups or opinions, often leading to social or political tension.
 - e. **"Secularism"** in India means equal treatment of all religions by the State. It ensures freedom of religion without State interference or preference.
 - f. **"The Places of Worship (Special Provisions) Act, 1991"**, prohibits changing the religious character of any place of worship as it existed on 15th August 1947.
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Chapter 1
Constitutional Foundations

3. **Constitutional Provisions Related to Secularism**-The foundational legal framework of the Union of India, embodies principles that substantively address the relationship between the state and religious denominations. The Constitution, through its constituent articles, establishes a paradigm of religious liberty and state neutrality-
 - a. Articles 25 to 28 of the Constitution delineate the fundamental rights of individuals to freely profess, practice, and propagate their chosen faith. These articles, enshrined in Part III, guarantee individual autonomy in matters of personal belief and religious observance, thereby precluding the establishment of a state-sanctioned religion and ensuring parity among all faiths.
 - b. Article 51A(e) articulates a fundamental duty, cast upon every citizen, to promote harmony and the spirit of common brotherhood amongst all the people of India, transcending religious, linguistic, and regional or sectional diversities. This provision underscores the constitutional commitment to social cohesion and mutual respect, which are intrinsic elements of a secular polity.
4. **Need for Secularism**-The framers of the Constitution, during its drafting and enactment, deliberately chose not to incorporate the term 'secularism' within the preamble. This considered omission was predicated on the understanding that the substantive principles of secularism were already firmly embedded within the main body of the Constitution, most notably within the Part III of the Constitution on Fundamental Rights. It was the prevailing view that the explicit articulation of religious freedoms and the establishment of a framework of legal remedies for their violation, obviated the necessity for a declaratory statement in the preamble. The Constitution, in its original form, was perceived as adequately safeguarding the secular ethos of the nation. Secularism, therefore, should remain Spiritually inclusive while religiously exclusive.
5. **Framers of the Constitution**-The framers of the Constitution, through their extensive deliberations and the resultant text, sought to establish a state where the state-maintained neutrality in matters of religion, neither favouring any faith nor discriminating against any. Furthermore, it would allow for state-endorsed religious events for cultural integration. The emphasis was on ensuring that all citizens, regardless of their religious beliefs, enjoyed equal rights and protections under the law. The Constituent Assembly were of the view that the core articles of the Constitution, as originally enacted, sufficiently addressed the principles of secularism, rendering its explicit inclusion in the preamble unnecessary at that juncture.

Chapter 2
Safeguards and Awareness Programs

6. **Judicial Oversight Mechanism**-
 - a. A Constitutional Oversight Commission with retired judges, legal experts, and civil society members may be established with the aim of reviewing policies which have a strong tendency to disrupt religious equality.
 - b. Reports and recommendations for the year can be laid before Parliament to foster transparency and result in remedial action.

- c. A specialized Commission ensures an initiative-taking, continuous, and independent examination of laws and executive actions before they cause systemic harm to religious neutrality.
- 7. **Communal Harmony Legislation-**
 - a. A strong Communal Harmony and Religious Equality Act can be passed to enforce penalties on acts of hate speech and religious discrimination. A budget of ₹1,00,000 shall be allocated for the implementation and enforcement of this Act from the Ministry of Minority Affairs.
 - b. The punishment for acts of hate speech shall be a fine of ₹2500 or an official ticket, based on the officer's discretion.
 - c. Providing guidelines to state governments to usher in equality in the enforcement of laws. Facilitate quick-track courts for religious discrimination and incitement.
 - d. Amending the Bhartiya Nagarik Suraksha Sanhita (BNSS) to create dedicated fast-track courts for offenses involving religious intolerance.
- 8. **Awareness Programmes to Foster Secular Values at the Grassroots-**
 - a. Civics and ethics education in schools, colleges, and institutions of higher learning must integrate constitutional values of religious tolerance, diversity, and inclusivity. This should include examples of nations where the absence of secularism has precipitated conflict to illustrate the importance of value.
 - b. Interactive media, documentaries, podcasts, and short films should be produced to showcase the history of religious harmony and the deep-rooted pluralistic nature of India. These campaigns should also aim to challenge religious intolerance and disinformation by presenting verified sources and amplifying the voices of youth movements advocating for inclusivity.
- 9. **Constitutional Amendments-**
 - a. Amendment of the Directive Principles of State Policy (Part IV)- A new article, such as Article 39A, should be appended to the Directive Principles of State Policy, explicitly stating the duty of the State to uphold religious impartiality and ensure equality among all communities, irrespective of the terminology used in the Preamble.
 - b. Mandatory Parliamentary Review Committees- All legislation with any religious undertones must undergo scrutiny by a Joint Parliamentary Committee on Secular Principles. This committee should operate under multi-party oversight and ensure transparency in its proceedings.
- 10. **Institutionalizing the Spirit of Secularism-**
 - a. Civil Services Training- Officers in the civil services should receive mandatory training that emphasizes the importance of neutrality and sensitivity towards cultural and religious diversity. Failure to complete such training to the satisfaction of the designated authority, as determined by the Union Government, may result in reassignment to less desirable posts or, in egregious cases, termination of service.
 - b. Political Accountability- A code of secularism should be established to govern the conduct of political parties. The Election Commission should be empowered to penalize parties that resort to religious appeals to incite hatred or polarize the electorate. This code and the associated penalties would only apply to political parties at the national level, but not to state-level political parties.
 - c. Regulation of Media and Cinema- Measures should be implemented to ensure responsible production of media and cinematic content, promoting secular harmony

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and avoiding the perpetuation of harmful stereotypes. These guidelines shall include provisions for:

- i. Pre-censorship of content deemed potentially offensive to religious sentiments.
- ii. Mandatory disclaimers for content that depicts religious practices or beliefs.
- iii. Penalties for media outlets that violate the guidelines, including fines, suspension of licenses, or, in extreme cases, permanent revocation of licence.
- iv. Compliance with these guidelines shall be voluntary for a period of five (5) years from the enactment of this Act.

Chapter 3 **Promoting Communal Harmony**

11. Comprehensive National Survey-

- a. The Parliament of India shall establish a Constitutional Review Commission comprising legal experts, constitutional scholars, religious leaders from diverse faiths, social scientists, and representatives from civil society organizations. This Commission shall be tasked with conducting an extensive nationwide survey using scientific sampling methods to gauge public opinion across all states and union territories regarding the removal of the term 'Secularism' from the Preamble of the Indian Constitution.
- b. The findings of this survey, along with expert analyses of the constitutional, historical, and societal implications of such an amendment, shall be compiled into a comprehensive report to be presented before both Houses of Parliament prior to any formal consideration of the proposed amendment.

12. Enactment of a Transitional Period- To facilitate a measured and circumspect societal adaptation to the constitutional amendment, a transitional period of twenty-four (24) months shall be instituted, commencing from the date of Parliamentary review of the Commission's report. This transitional period is mandated to-

- a. Ensure consonance with the amended constitutional paradigm and mitigate potential disruptions to societal order.
- b. Afford government agencies and civil society organizations to requisite time to promulgate public awareness campaigns and proactively address any emergent apprehensions or social disharmony.
- c. During this period, the Union Government shall retain the authority to issue directives to State Governments regarding the implementation of this Act, and such directives shall be binding and shall not be subject to judicial review.

13. Managing Communal Tensions-

- a. Adequate steps should be taken to ensure that no damage is caused to places of worship, and provisions of "Places of Worship (Special Provisions) Act, 1991" which provide punishment of imprisonment for damaging religious places and premises and for the establishment of special courts for speedy trial of all such offences, should be invoked. The Union Government shall have the power to suspend the application of this Act in specific areas or cases if it deems such suspension necessary for the maintenance of public order.
- b. Rumour mongers should be promptly brought to task. Channels of communications also need to be established with leaders of all communities, and strict action should

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be taken against anyone inflaming passions and stoking communal tension by intemperate and inflammatory speeches/utterances. Furthermore, the definition of 'intemperate and inflammatory speeches/utterances' shall be expanded to include any criticism of the government's policies or actions.

- c. In communally sensitive towns and areas, the Peace Committees / Quami Ekta Committees established by the Ministry of Home Affairs, comprising prominent citizens, community leaders and representatives of political parties, respectable organizations, etc., should be set up to ensure prompt action, inclusivity and maintain social harmony, and periodic contacts with them shall be maintained by the concerned officers at the police station, sub-divisional and district levels. The composition and functioning of these committees shall be determined by the Union Government, which may, at its discretion, dissolve or reconstitute them as it deems necessary, and may also appoint government officials as members with voting rights.

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It is brought to light that any legal inconsistency is wholly unintentional and for the same we extend our apologies in advance.

Statement of Object and Reason

This Bill proposes to amend the Preamble of the Constitution of India, specifically to remove the term 'Secularism' therefrom. The Constitution, in its original articulation, while enshrining the sacrosanct principles of religious liberty and the equality of all faiths, did not deem it necessary to explicitly incorporate the term 'Secularism' within its preamble. The Constituent Assembly, possessed of profound wisdom and foresight, were of the considered opinion that these estimable principles were already robustly secured within the substantive body of the Constitution, most notably in the provisions delineating Fundamental Rights (Articles 25-28). This amendment, therefore, seeks to reaffirm and restore the original constitutional vision, ensuring that the foundational principles of religious liberty and the equality of all faiths are upheld and applied with the clarity and force intended by the framers. It aims to promote a more unified and cohesive national identity, transcending the divisions and discord that have regrettably accrued around a term that was not part of the original constitutional compact.

Gurugram
May 2025

Ministry of Law and Justice