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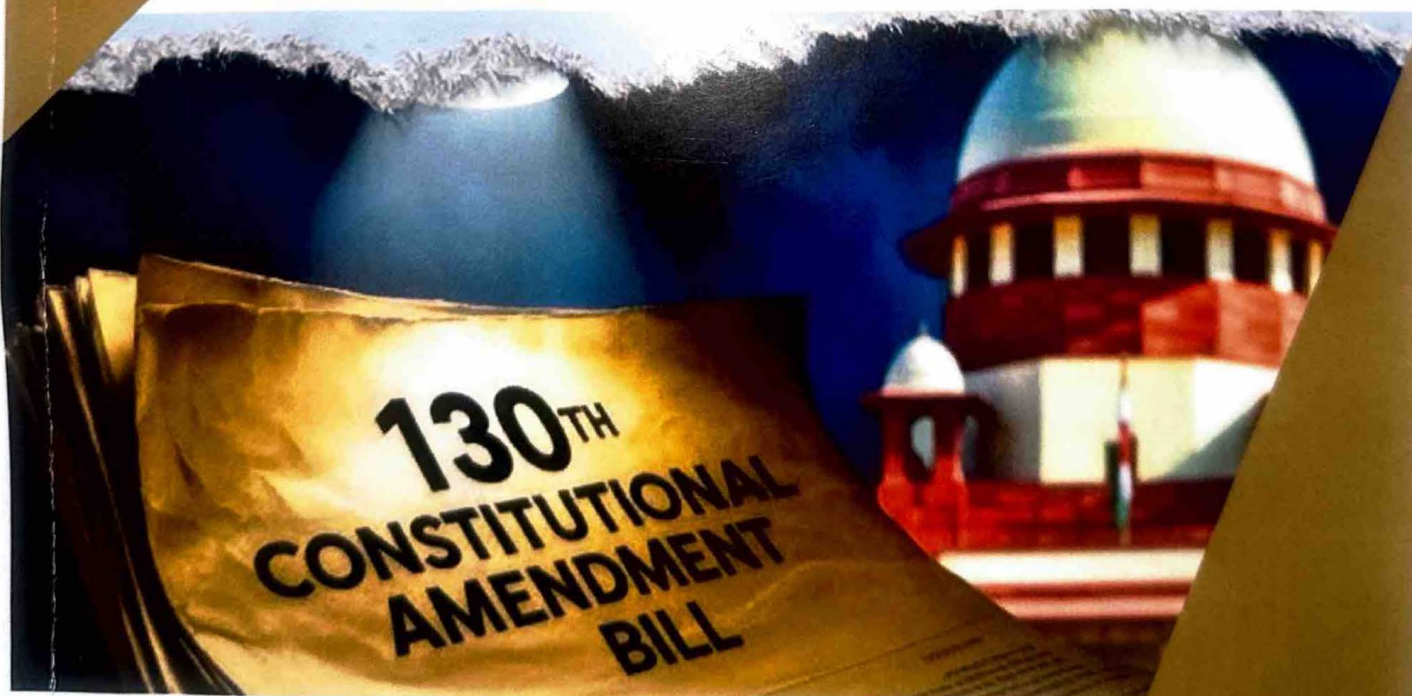
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**The Constitution 130th Amendment Bill 2025
and the Future of Indian Democracy:
Ethics, Law, and Politics**

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CONTENT

1) A Critical Appraisal of Measures to Curbmenace of Criminalisation of Politics in India	Dr. Mayura Borde	4
2) Constitutional Reform in the Age of Digital Disruption: Personal Reflections on the 130th Amendment	Dr. Prashant Amin, Dr. Archana Gadekar	15
3) Reforming Democratic Governance: The 130th Constitutional Amendment Bill, 2025	Ashwini Biradar Rucha Kulkarni	23
4) Administrative Transparency and Constitutional Reform: Policy Implications of the 130th Amendment Bill, 2025.....	Dr. Madhuri Sarwade Dr. Ketki Dalvi	33
5) Media Trial In Criminal Justice System vis-À-Vis The Constitution 130th Amendment Bill, 2025	Dr. Mukta Verma Saurabh Rathore	52
6) The Anti-Defection Law and Parliamentary Democracy in India: An Analysis in the Context of the 130th Constitutional Amendment	Dr. Shubhangi Bhaid Siddha Kulkarni-Deshmukh	63
7) Governance Beyond Custody: Structural Reforms and Democratic Integrity After the 130th Constitutional Amendment Bill, 2025.....	Vidhya Shetty Siddha Kulkarni Deshmukh	76
8) Constitutional Ethics and Ministerial Accountability in India: Re-examining Democratic Responsibility in the Context of the Constitution (130th Amendment) Bill, 2025	Radhika Hastak Seema A. Patil	87

Reforming Democratic Governance: The 130th Constitutional Amendment Bill, 2025

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Abstract

The proposed Constitution (One Hundred and Thirtieth Amendment) Bill, 2025 marks a critical intervention in India's constitutional and democratic framework, responding to persistent concerns regarding ethical governance, criminalisation of politics, erosion of public trust, and weakening accountability mechanisms within the executive. Situated at the intersection of constitutional law, political ethics, and democratic theory, the Bill attempts to address long-standing gaps in the regulation of ministerial conduct, particularly in relation to criminal antecedents, procedural accountability, and constitutional responsibility.

This article undertakes a detailed legal and constitutional analysis of the 130th Amendment Bill with specific focus on constitutional ethics, Articles 75 and 164 of the Constitution, judicial responses to criminalisation of politics, the role of constitutional authorities, and comparative perspectives from established democracies such as the United Kingdom, the United States, and South Africa. The article argues that while constitutional amendments may provide structural and normative clarity, the long-term future of Indian democracy ultimately depends upon cultivating constitutional morality, strengthening institutional integrity, and fostering ethical political culture alongside legal reform.

Keywords : Constitutional Ethics, Ministerial Accountability, Criminalisation of Politics, Judicial Review, Democratic Governance

Introduction

The Indian Constitution is widely regarded as a transformative document designed not only to establish legal institutions but also to shape democratic values and ethical governance. Over the decades, constitutional amendments have reflected evolving political realities and societal demands. The Constitution (130th Amendment) Bill, 2025 emerges at a time when Indian democracy faces serious challenges arising from the criminalisation of politics, declining standards of ministerial accountability, and increasing public cynicism towards political institutions.

The amendment proposal must be viewed in light of repeated judicial observations, civil society activism, and electoral data demonstrating the growing presence of individuals with criminal backgrounds in legislatures and executive offices. While the Constitution guarantees democratic choice, it also envisages governance based on constitutional morality, accountability, and the rule of law. The central question raised by the 130th Amendment Bill is whether constitutional law can effectively reconcile democratic representation with ethical governance without undermining fundamental rights or the separation of powers.

Within the theme of this conference—The Constitution 130th Amendment Bill, 2025 and the Future of Indian Democracy: Ethics, Law and Politics—this article focuses on the legal and constitutional dimensions of the amendment, critically analysing its implications for ministerial ethics, collective responsibility, judicial review, and democratic stability.

Constitutional Ethics and Accountability of Ministers

Constitutional ethics, often described by the Supreme Court as constitutional morality, refers to fidelity to the values, spirit, and objectives of the Constitution rather than mere compliance with its textual provisions. In *Manoj Narula v. Union of India* (2014), the Supreme Court underscored that individuals appointed as ministers must satisfy not only formal eligibility criteria but also higher ethical standards inherent in constitutional governance.

Ministers occupy positions of public trust and wield significant executive authority. Their actions directly impact public welfare, policy formulation,

and institutional credibility. The growing tendency to appoint or retain ministers facing serious criminal charges raises profound constitutional and ethical concerns. Although the presumption of innocence remains a cornerstone of criminal jurisprudence, constitutional ethics demands that public office holders maintain unimpeachable integrity.

The proposed 130th Amendment Bill seeks to address this ethical vacuum by introducing clearer constitutional norms governing ministerial accountability. By doing so, it attempts to shift the discourse from political expediency to constitutional responsibility. However, ethical governance cannot be achieved solely through constitutional text; it requires internalisation of constitutional values by political actors and parties.

Articles 75 and 164: Collective Responsibility and Removal Provisions

Articles 75(3) and 164(2) of the Indian Constitution enshrine the doctrine of collective responsibility, making the Council of Ministers collectively accountable to the House of the People and State Legislative Assemblies respectively. This principle lies at the heart of parliamentary democracy, ensuring that the executive remains answerable to the legislature.

Under the existing constitutional framework, ministers hold office during the pleasure of the President or Governor, exercised on the aid and advice of the Prime Minister or Chief Minister. The Constitution does not explicitly provide grounds for removal of ministers based on criminal charges or incarceration, leaving such decisions largely to political discretion.

The 130th Amendment Bill proposes to introduce greater constitutional clarity by specifying conditions under which ministers may be removed or suspended from office. While such provisions may strengthen accountability, they also raise concerns regarding excessive constitutional rigidity and potential misuse for political vendetta. Any alteration to Articles 75 and 164 must therefore carefully balance executive stability, legislative accountability, and democratic choice.

Importantly, collective responsibility does not imply collective impunity. Strengthening individual ministerial accountability can, in fact, reinforce collective responsibility by preserving the moral authority of the executive as a whole.

Criminalisation of Politics: Judicial Interventions and Constitutional Limits

The criminalisation of politics has been described by the Supreme Court as a serious threat to democratic governance. Over the years, the judiciary has attempted to address this challenge through a series of landmark judgments. In *Association for Democratic Reforms v. Union of India* (2002) and *People's Union for Civil Liberties v. Union of India* (2003), the Court mandated disclosure of criminal antecedents, assets, and liabilities of electoral candidates, thereby empowering voters with information.

In *Public Interest Foundation v. Union of India* (2019), the Supreme Court acknowledged the alarming rise of criminal elements in politics but refrained from judicially mandating disqualification upon framing of charges. The Court emphasised that such policy decisions fall within the legislative domain, reaffirming the principle of separation of powers. Instead, it directed political parties to publicise criminal backgrounds of candidates and encouraged voter awareness.

The 130th Amendment Bill may be understood as a legislative response to this judicial restraint. By proposing constitutional intervention, Parliament seeks to address ethical concerns that courts have been institutionally constrained from resolving. However, any internationalisation of criminal accountability must remain consistent with due process, equality before law, and the presumption of innocence under Articles 14 and 21 of the Constitution.

Comparative Constitutional Perspectives

Comparative constitutional analysis provides valuable insights into how other democracies reconcile ethical governance with democratic freedoms. In the United Kingdom, ministerial accountability is governed largely by constitutional conventions and the Ministerial Code. Ministers are expected to resign upon serious ethical lapses or loss of public confidence, even in the absence of criminal conviction. This system relies heavily on political culture, parliamentary scrutiny, and media accountability rather than judicial enforcement.

The United States follows a rigid separation of powers model. Members of the executive branch may be removed through impeachment or prosecuted under criminal law. Ethical accountability is ensured through congressional oversight committees, independent prosecutors, and transparency laws. Although the U.S. Constitution does not impose moral qualifications, institutional checks act as safeguards against executive abuse.

South Africa presents a more value-driven constitutional model. Its Constitution explicitly incorporates principles of accountability, responsiveness,

and openness. Courts have actively enforced ethical governance, as seen in cases involving executive misconduct and abuse of public funds. The South African experience demonstrates the effectiveness of constitutional values backed by robust judicial enforcement.

These comparative perspectives reveal that while constitutional design matters, democratic ethics ultimately depend on political culture, institutional strength, and public vigilance.

Constitutional Ethics and Accountability of Procedures

Constitutional ethics is not confined to the moral conduct of individuals holding public office; it equally encompasses the fairness, transparency, and legitimacy of the procedures through which constitutional power is exercised. Procedural accountability is a fundamental aspect of constitutional governance, ensuring that decisions affecting democratic institutions are taken in accordance with established norms, due process, and the rule of law. In the context of the Constitution (130th Amendment) Bill, 2025, the ethical soundness of procedures governing removal, suspension, or disqualification of ministers assumes critical importance.

The Indian Constitution is premised on the idea that power must be exercised through constitutionally sanctioned procedures. Articles 14 and 21 collectively mandate fairness, non-arbitrariness, and reasonableness in state action. The Supreme Court has consistently held that arbitrariness is antithetical to equality, thereby elevating procedural fairness to a constitutional requirement (*E.P. Royappa v. State of Tamil Nadu*, 1974). Any accountability mechanism introduced through constitutional amendment must therefore adhere to transparent and objective procedures, failing which it risks violating basic constitutional guarantees.

Procedural constitutional ethics demand clearly defined standards for action, reasoned decision-making, and safeguards against misuse of power. In the absence of such safeguards, accountability provisions may become tools of political vendetta rather than instruments of ethical governance. The Supreme Court in *Maneka Gandhi v. Union of India* (1978) emphasised that “procedure established by law” must be just, fair, and reasonable. Applying this principle, any procedure for removal or suspension of ministers under the proposed amendment must incorporate principles of natural justice, including notice, opportunity to be heard, and proportionality.

Furthermore, accountability of procedures is closely linked to public trust in constitutional institutions. Secretive or opaque processes undermine

democratic legitimacy, even when outcomes appear substantively justified. Ethical procedures enhance institutional credibility by demonstrating that constitutional power is exercised with restraint and responsibility. As Baxi (2013) observes, constitutionalism thrives not merely on outcomes but on the integrity of processes that lead to those outcomes.

In this sense, the 130th Amendment Bill must ensure that procedural accountability is embedded within its framework. Independent oversight, judicial review, and clearly articulated constitutional standards can prevent abuse while reinforcing democratic values. Ultimately, ethical procedures are indispensable to sustaining constitutional morality and strengthening the foundations of Indian democracy.

Judicial Review and Separation of Powers

Judicial review and separation of powers constitute the cornerstone of Indian constitutionalism and play a decisive role in maintaining democratic equilibrium among the organs of the State. Judicial review empowers constitutional courts to examine the validity of legislative and executive actions, ensuring conformity with constitutional provisions and fundamental rights.

Simultaneously, the doctrine of separation of powers prevents concentration of authority by allocating distinct functions to the legislature, executive, and judiciary, while allowing limited overlaps to ensure accountability.

In India, judicial review has been recognised as part of the basic structure of the Constitution, most notably in *Kesavananda Bharati v. State of Kerala* (1973). This doctrine limits Parliament's amending power under Article 368 and ensures that constitutional amendments, including the proposed Constitution (130th Amendment) Bill, 2025, do not undermine essential constitutional principles such as democracy, rule of law, and separation of powers. Consequently, any provision affecting ministerial accountability would remain subject to constitutional scrutiny.

The Supreme Court has consistently emphasised institutional restraint while exercising judicial review in matters involving political governance. In *Public Interest Foundation v. Union of India* (2019), the Court acknowledged the problem of criminalisation of politics but refrained from prescribing disqualification standards, recognising the legislature's domain in policy-making. This approach reflects judicial respect for separation of powers, preventing judicial overreach while safeguarding constitutional values.

However, separation of powers does not imply absolute isolation of functions. The judiciary's role as the interpreter and guardian of the

Constitution necessitates intervention where constitutional morality or fundamental rights are threatened. Judicial review thus acts as a constitutional safety valve, correcting excesses without supplanting democratic processes. As Dicey (1959) observed, constitutional governance depends upon checks and balances rather than rigid compartmentalisation of powers.

In the context of the 130th Amendment Bill, judicial review ensures that accountability mechanisms remain fair, non-arbitrary, and consistent with constitutional ethics. A harmonious balance between judicial oversight and legislative autonomy is essential for strengthening democratic governance and preserving the constitutional vision of India.

Role of the President and Governors in Removal of Ministers

The President of India and the Governors of States occupy pivotal positions as constitutional heads within the parliamentary framework, entrusted with preserving constitutional balance and democratic continuity. Their role in the appointment and removal of ministers is governed primarily by Articles 75 and 164 of the Constitution, which provide that ministers hold office during the pleasure of the President or the Governor, as the case may be. However, this “pleasure” is not personal or discretionary in nature but is ordinarily exercised on the aid and advice of the Prime Minister or the Chief Minister, reflecting the supremacy of the elected executive.

Judicial interpretation has consistently clarified the limited scope of discretion available to constitutional heads in ministerial matters. In *Shamsher Singh v. State of Punjab* (1974), the Supreme Court affirmed that the President and Governors are bound by ministerial advice except in narrowly defined exceptional situations. This principle reinforces democratic accountability by ensuring that executive power remains with those who command legislative confidence.

In the context of the Constitution (130th Amendment) Bill, 2025, proposals relating to removal of ministers raise important constitutional questions concerning the role of these constitutional authorities. Granting independent or expanded discretion to the President or Governors in removing ministers on ethical or criminal grounds may risk politicisation of offices intended to function as neutral constitutional guardians. Conversely, a purely formal role may limit their ability to act as constitutional sentinels during governance crises.

The Supreme Court in *Nabam Rebia v. Deputy Speaker* (2016) cautioned against the misuse of gubernatorial powers, particularly in politically

sensitive situations, underscoring the need for constitutional restraint. These judicial pronouncements suggest that any accountability mechanism introduced by constitutional amendment must clearly define the procedural role of constitutional heads to prevent arbitrariness and preserve federal balance.

Therefore, the role of the President and Governors in removal of ministers must remain constitutionally structured, procedurally guided, and democratically accountable. A balanced approach—anchored in constitutional conventions, judicial oversight, and ethical governance—is essential to ensure that these high constitutional offices strengthen rather than destabilise Indian democracy.

Long-term Reforms for Strengthening Indian Democracy

Sustainable strengthening of Indian democracy requires long-term structural and ethical reforms that go beyond isolated constitutional amendments. While the Constitution (130th Amendment) Bill, 2025 addresses immediate concerns of ministerial accountability, enduring democratic reform must focus on systemic transformation of political institutions and practices.

One of the most critical reforms lies in strengthening inner-party democracy. Political parties function as gatekeepers of electoral politics, yet their internal decision-making often lacks transparency and accountability. The Supreme Court in *Public Interest Foundation v. Union of India* (2019) highlighted the responsibility of political parties in curbing criminalisation, underscoring the need for institutional reform at the party level.

Electoral finance reform is equally essential. Unregulated political funding undermines equality of political participation and fosters corruption. Measures such as transparent disclosure norms, independent auditing, and limits on campaign expenditure are vital to restoring public trust in electoral processes. Additionally, the establishment of fast-track courts for cases involving legislators can ensure timely justice, preventing prolonged trials from distorting democratic accountability.

Civic education and constitutional literacy also play a crucial role in democratic renewal. An informed electorate is better equipped to evaluate ethical leadership and hold representatives accountable. As Ambedkar emphasised, constitutional democracy can succeed only when supported by constitutional morality among citizens and institutions alike.

Ultimately, long-term democratic strength depends upon harmonising legal reform with ethical governance, institutional integrity, and active citizen participation.

Conclusion

The Constitution (One Hundred and Thirtieth Amendment) Bill, 2025 represents a significant constitutional moment in India's ongoing democratic evolution. It reflects a growing recognition that democratic legitimacy cannot rest solely on electoral mandate but must be reinforced by ethical governance, constitutional accountability, and institutional integrity. By addressing concerns relating to ministerial conduct, criminalisation of politics, and procedural accountability, the proposed amendment seeks to restore public confidence in democratic institutions while reaffirming the supremacy of constitutional values.

From a legal perspective, the amendment engages directly with foundational constitutional principles embodied in Articles 75 and 164, collective responsibility, and the doctrine of separation of powers. Judicial pronouncements have repeatedly acknowledged the seriousness of ethical decline in political life while exercising institutional restraint in policy formulation. The proposed amendment may therefore be viewed as a legislative response to judicial caution, attempting to bridge the gap between constitutional morality and political practice. However, any such reform must remain consistent with the basic structure of the Constitution, particularly the principles of democracy, rule of law, and judicial review (*Kesavananda Bharati v. State of Kerala*, 1973).

Equally important is the recognition that constitutional amendments alone cannot transform political culture. As Ambedkar warned, constitutional democracy can fail if constitutional morality is not cultivated among political actors and citizens. Ethical procedures, transparent governance, and accountable leadership are essential to sustaining democratic resilience. Comparative constitutional experiences further demonstrate that strong institutions and political ethics often matter as much as formal constitutional provisions.

Ultimately, the future of Indian democracy depends upon harmonising law, ethics, and politics within the constitutional framework. The 130th Amendment Bill offers an opportunity to reinforce democratic accountability, but its success will depend on principled implementation, judicial vigilance,

and sustained commitment to constitutional values. In this sense, the amendment should be viewed not as an end in itself but as a step towards deeper democratic renewal rooted in constitutional morality.

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