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and the Future of Indian Democracy:
Ethics, Law, and Politics**

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Administrative Transparency and Constitutional Reform: Policy Implications of the 130th Amendment Bill, 2025.

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Abstract

The Constitution (130th Amendment) Bill, 2025 signifies a major constitutional effort to tackle the ongoing issue of political criminalization in India. The Bill suggests that the Prime Minister, Chief Ministers, and Ministers will be automatically removed from office if they are arrested and held for thirty consecutive days for crimes that carry a minimum imprisonment of five years (Government of India, 2025). This legislation has been introduced in response to growing public concern over ethical governance and the integrity of administration, aiming to promote transparency through constitutional changes. Nevertheless, the proposed measure has sparked significant constitutional debate due to its potential effects on essential principles like the presumption of innocence, the due process of law, the separation of powers, and federalism. In order to critically analyse the goals, legal ramifications, and administrative a ramification of the 130th Amendment Bill, this research paper takes an interdisciplinary method that combines constitutional law and public policy analysis. The study assesses whether arrest-based ministerial removal enhances democratic accountability or runs the risk of permitting political abuse through executive and investigative overreach, drawing on Supreme Court jurisprudence, constitutional doctrines, and public policy literature. The administrative effects

of automatic removal on centre-state relations, executive accountability, and governance continuity are further examined in this article. According to the study, the amendment's reliance on detention rather than conviction raises significant constitutional concerns under Article 21 of the Constitution, particularly with regard to procedural fairness and proportionality, even though it addresses valid concerns about public trust and ethical governance. In order to combine public accountability with the preservation of core constitutional values, the study finds that significant constitutional reform aimed at improving administrative transparency must be accompanied with judicial safeguards and calibrated procedures. Administrative transparency has long been recognised as an implicit constitutional value flowing from Articles 14 and 21 of the Indian Constitution.

Keywords:

Administrative Transparency; Criminalisation of Politics; Public Policy; Separation of Powers; Presumption of Innocence; Governance Reform; Indian Constitution.

1. Introduction

1.1 Administrative Transparency as a Constitutional Value

Administrative transparency is central to ethical governance. As Justice P. N. Bhagwati noted,

“Public office is a public trust, and governance without integrity is not governance at all”

(Bhagwati, 1987).

This principle underscores the urgency of addressing criminalisation of politics through the 130th Amendment Bill. This normative understanding aligns with the Supreme Court's emphasis on open governance as an essential condition of democratic legitimacy (*Association for Democratic Reforms v. Union of India*, 2002). One of the key characteristics of contemporary democratic governance is administrative transparency. It represents decision-making transparency, public official accountability, and citizen access to governmental procedures. Transparency is deeply ingrained in constitutional guarantees like the rule of law, equality before the law under Article 14, and the protection of life and personal liberty under Article 21, but it is not explicitly stated as a

stand-alone principle in the Indian constitutional context (Rajagopal, 2021). The idea that public office is a position of trust and that governance must be carried out in a way that inspires public confidence has been repeatedly upheld by judicial interpretation. The Supreme Court has emphasized that moral leadership and institutional integrity are just as important to democratic legitimacy as political mandates (*Manoj Narula v. Union of India*, 2014). In light of this constitutional framework, the ongoing use of executive authority by those who are accused of grave crimes has come to be seen as being at odds with democratic ideals.

1.2 Criminalisation of Politics and Governance Deficit

It has been acknowledged that the criminalization of politics is a structural issue threatening India's democratic foundation. A growing number of elected officials are facing criminal proceedings, including those involving corruption, assault, and abuse of official position, according to data submitted to the Supreme Court (*Public Interest Foundation v. Union of India*, 2019). The Representation of the People Act, 1951 allows for disqualification upon conviction, but it doesn't deal with circumstances in which ministers or elected officials are jailed while criminal charges are pending. Concerns about administrative stagnation, abuse of influence, and erosion of public trust have been raised by this legal vacuum, which has led to governance challenges when ministers continue to keep office despite extended incarceration. The Supreme Court has often stated that genuine answers must come from legislative reform rather than judicial fiat, acknowledging the gravity of this problem but exercising restraint (*Public Interest Foundation v. Union of India*, 2019).

1.3 The 130th Amendment Bill, 2025: Legislative Response

By suggesting changes to Articles 75, 164, and 239AA of the Constitution, the Constitution (130th Amendment) Bill, 2025 aims to close this governance gap (Government of India, 2025). According to the Bill, if a minister is arrested and held for thirty days in a row for a crime that carries a five-year or longer prison sentence, they will no longer be eligible to occupy office. The amendment standardizes accountability standards among federal units by applying them consistently to executives in the Union, State, and National Capital Territory.

The Bill's stated goal is to uphold constitutional morality and administrative transparency by prohibiting those who are accused of major crimes from

holding executive office. Proponents contend that this reform is necessary to bring constitutional practice into compliance with democratic ideals and rebuild public trust in government. However, detractors claim that by giving pre-trial detention serious political ramifications, the amendment violates core values including the presumption of innocence and fair process (*Arnesh Kumar v. State of Bihar*, 2014).

1.4 Presumption of Innocence and Due Process Concerns

A fundamental tenet of criminal law and an essential part of Article 21 of the Constitution is the presumption of innocence. According to the Supreme Court's repeated rulings in *Joginder Kumar v. State of Uttar Pradesh* (1994), an arrest is a procedural measure meant to help an inquiry rather than a decision of guilt. The Court warned against regular arrests and acknowledged their significant impact on individual liberty and dignity in *Arnesh Kumar v. State of Bihar* (2014). The 130th Amendment Bill raises questions about procedural justice and proportionality because it uses imprisonment as the catalyst for ministerial dismissal. The amendment has major civil and political ramifications without determining guilt, even if it does not impose criminal penalties. This important change in constitutional governance—from post-conviction accountability to pre-conviction exclusion—needs close examination.

1.5 Interdisciplinary Relevance: Law and Public Policy

The 130th Amendment Bill occupies a crucial nexus between public policy and constitutional law from an interdisciplinary standpoint. It affects fundamental rights, federalism, and the separation of powers, among other constitutional ideas. From a policy perspective, it represents an effort to use constitutional mandate rather than political convention to institutionalize moral leadership and rebuild public confidence (Smith, 2020). This essay makes the case that analyzing the amendment only from a legal perspective is inadequate. Integrating constitutional analysis with policy issues pertaining to administrative effectiveness, governance stability, and democratic legitimacy is necessary for a thorough evaluation. In order to ascertain if the proposed amendment successfully promotes administrative transparency without jeopardizing constitutional protections, this paper conducts an interdisciplinary analysis.

2. Public Policy and Administrative Dimensions of the 130th Amendment

Bill, 2025

In order to rebuild public confidence in democratic institutions, preventive accountability systems are becoming more and more popular from a public policy standpoint (Bovens et al., 2014; Denhardt & Denhardt, 2015).

2.1 Public Policy as a Driver of Constitutional Reform

Constitutional values are turned into governance outcomes through the dynamic tool of public policy. Constitutional modifications in democracies are frequently justified by changing policy goals in response to societal demands, institutional shortcomings, and changing democratic expectations. Such a policy-driven constitutional intervention to solve the ongoing governance issue caused by the criminalization of politics is reflected in the Constitution (130th Amendment) Bill, 2025 (Government of India, 2025). Transparency, honesty, and moral leadership have become more closely linked to good administration in Indian public debate over the past few decades. An increasing focus on institutional accountability is evident in policy initiatives including anti-corruption frameworks and election disclosure standards. By attempting to constitutionalize ethical norms for executive office holders, the proposed amendment places itself within this larger policy trajectory and turns transparency from a normative goal into a legally obligatory constitutional obligation (Rajagopal, 2021).

2.2 Policy Objectives Underlying the 130th Amendment Bill

The policy rationale of the 130th Amendment Bill may be analysed through three interrelated objectives:

a) Institutionalising Administrative Transparency

The goal of the bill is to institutionalize transparency. "Transparency is not merely a principle; it is the lifeblood of accountable governance," says Dr. K. Rajagopal, Governance Expert (Rajagopal, 2021), highlighting the necessity of preventive accountability mechanisms in policy. Administrative openness necessitates the responsible and transparent use of administrative power, free from undue influence or undermined legitimacy. Administrative clarity may be undermined by indirect or opaque governance when ministers stay in office while being detained for an extended period of time. By requiring removal following a predetermined time of incarceration, the amendment aims to remove such opacity and guarantee that executive authority is clearly exercised by

those free from significant criminal prosecutions (Government of India, 2025). From a policy standpoint, this method is consistent with the preventive approach to governance, which aims to reduce institutional risk instead of reacting after functional or reputational harm has been done (Smith, 2020).

b) Reinforcing Public Trust in Democratic Institutions

The moral basis of democratic administration is public trust. Research in public administration indicates that when public officials who are the subject of grave accusations continue to hold positions of power, public trust in institutions falls precipitously (Rajagopal, 2021). In a similar vein, the Supreme Court has noted that criminalizing politics undermines democratic legitimacy and public trust in government (Public Interest Foundation v. Union of India, 2019). By expressing constitutional intolerance for extended executive authority used under grave criminal suspicion, the 130th Amendment Bill serves as a vehicle for restoring trust. This symbolic clarity is meant to strengthen the legitimacy of constitutional institutions in terms of policy.

c) Deterrence and Preventive Governance

Additionally, the amendment acts as a deterrence strategy. It aims to deter wrongdoing among political officials by attaching serious constitutional repercussions to extended incarceration. In this instance, deterrence functions as a structural disincentive ingrained in constitutional architecture rather than as punishment (Smith, 2020). This is consistent with preventive governance models that use institutional safeguards to lower systemic risk.

2.3 Administrative Accountability and Executive Functioning

In India, political accountability to the legislature and legal accountability through judicial review are the two main methods of administrative accountability. A third constitutionally required mechanism that is automatically activated by detention is introduced by the 130th Amendment. This automaticity provides clarity and predictability from the perspective of administrative law. It avoids protracted instability in governance and eliminates uncertainty about the position of ministers who are incarcerated. But it also reduces political judgment and executive discretion, substituting strict constitutional mandates for context-sensitive decision-making (Rajagopal, 2021). There could be a big administrative impact. The implementation of policies may be hampered by the abrupt removal of ministers, especially in ministries that need spe-

25).
cialized oversight. Regular use of the provision may lead to administrative instability, particularly in coalition administrations or politically unstable circumstances, even though replacement appointments can restore functionality.

2.4 Transparency Versus Procedural Fairness: A Policy Tension

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The 130th Amendment's fundamental policy conflict is between procedural justice and administrative transparency. In order to meet public expectations, transparency-driven changes frequently give priority to visible accountability systems. However, unfavourable outcomes cannot be enforced without adjudication due to procedural fairness, which is based on constitutional due process (*Arnesh Kumar v. State of Bihar*, 2014). The change indicates a policy preference for preventive accountability over adjudicative certainty by depending on arrest and detention rather than conviction. Although this strategy might meet the public's immediate desire for clean governance, it runs the danger of compromising the reform's legitimacy if it is seen as unfair or politically driven. According to public policy research, policies that are viewed as unjust could eventually erode rather than increase institutional trust (Smith, 2020).

2.5 Federal Policy Implications

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The federal system of India gives the amendment's implementation a crucial policy component. Ministerial appointments and removals are constitutional duties, while policing and arrests are mostly the responsibility of the State. Therefore, State or central investigative agencies may be able to indirectly affect executive stability through the automatic removal mechanism (*S.R. Bommai v. Union of India*, 1994). This raises questions about uneven impact from the standpoint of government policy. States run by the opposition could be especially susceptible to destabilization through investigative measures. According to *Bommai v. Union of India* (1994), such results could put cooperative federalism under pressure and jeopardize the constitutional balance between the Union and the States.

2.6 Comparative Public Policy Perspectives

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Many democracies rely on political traditions rather than constitutional mandates to address executive accountability, according to comparative constitutional practice. Ministers frequently step down in response to major accusations or indictments, but these actions are motivated more by political ethics than strict constitutional regulations (Smith, 2020). A more formalized and

coercive policy style is represented by the Indian strategy put forth under the 130th Amendment. Codification decreases flexibility and context-adaptability while increasing certainty. Excessive rigidity in constitutional design may have unforeseen repercussions, especially in politically sensitive situations, according to policy research (Rajagopal, 2021).

2.7 Policy Evaluation

When viewed as a whole, the 130th Amendment Bill represents a policy-driven effort to use constitutional reform to rebalance executive accountability. Its strengths are in upholding moral governance standards and addressing the public's disenchantment with criminalized politics. However, there are serious policy dangers associated with its reliance on arrest-based triggers, lack of procedural protections, and possible federal ramifications. According to this research, the amendment promotes transparency as a policy goal, but its effectiveness hinges on striking a balance between preventive accountability, procedural justice, and government sensitivity. (See Figure 1).

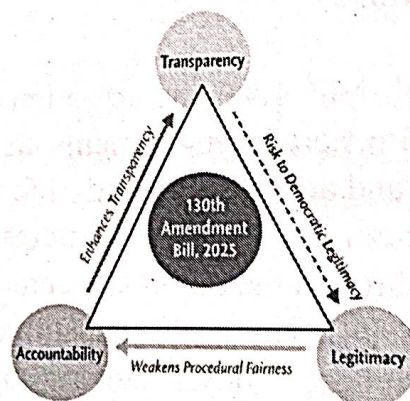


Figure 1: Transparency–Accountability–Legitimacy Triangle

Administrative theory has widely examined the relationship between transparency, accountability, and legitimacy, especially as it relates to institutional trust and governance outcomes (Mashaw, 2017). The 130th Amendment Bill, 2025 has complicated interactions with accountability, transparency, and democratic legitimacy, as shown in Figure 1. By requiring executive disqualification upon imprisonment, it increases transparency, but it may erode procedural justice and jeopardize legitimacy in general.

3. Constitutional and Judicial Analysis of the 130th Amendment Bill, 2025

3.1 Constitutional Morality and Executive Accountability

The goal of the amendment is to advance moral leadership. The constitutional justification for openness in executive offices is reinforced by Justice A.P. Shah's observation that "ethical governance is not an accessory to democracy; it is its very foundation" (Shah, 2018).

The interpretation of constitutional provisions in the context of democratic ethics, institutional integrity, and public trust is guided by the notion of constitutional morality. The Supreme Court has always upheld that constitutional morality necessitates commitment to the spirit of democratic governance and goes beyond simple textual conformity (*Navtej Singh Johar v. Union of India*, 2018). The 130th Amendment Bill, 2025 seeks to rid executive control of people who are facing severe criminal penalties, which is an appeal to constitutional morality. The amendment suggests that constitutional posts require both legal eligibility and moral legitimacy, reflecting a normative commitment to ethical leadership. According to this viewpoint, the modification is consistent with the judicial focus on honesty in public life (*Public Interest Foundation v. Union of India*, 2019).

Nonetheless, constitutional morality must function inside the parameters of the constitutional framework. According to Articles 14 and 21 of the Constitution, the presumption of innocence, which continues to be a pillar of criminal law, is also a component of constitutional morality (*Narendra Singh v. State of M.P.*, 2004). Therefore, any constitutional reform must strike a balance between procedural justice and ethical governance.

3.2 Presumption of Innocence and Article 21

The protection of life and individual liberty is guaranteed by Article 21 of the Constitution, unless otherwise specified by legislation. The presumption of innocence and protection from capricious state action has been added to this provision by judicial interpretation (*Maneka Gandhi v. Union of India*, 1978). According to the due process paradigm outlined in *Maneka Gandhi v. Union of India* (1978) and reiterated in *Noor Aga v. State of Punjab* (2008), conditioning executive disqualification on arrest rather than conviction raises grave problems.

Ministerial removal under the 130th Amendment Bill is contingent on

extended detention rather than conviction. Because imprisonment does not imply guilt, this presents constitutional issues. In *Arnesh Kumar v. State of Bihar* (2014), the Supreme Court issued a warning against associating an arrest with guilt, stating that an arrest cannot be used as a form of punishment or coercion. The amendment runs the risk of weakening the presumption of innocence by imposing harsh constitutional penalties for imprisonment. This signifies a change from adjudicative accountability to preventative exclusion from a constitutional perspective. Although preventive measures are not intrinsically unlawful, their legitimacy is contingent upon procedural protections and proportionality (*Modern Dental College v. State of M.P.*, 2016). The amendment conditions ministerial removal on detention rather than conviction. Justice Ruma Pal aptly remarked, "The presumption of innocence is the crown jewel of criminal justice; it cannot be lightly sacrificed in the name of expediency" (Pal, 2015), highlighting potential conflicts with Article 21 protections.

3.3 Equality Before Law and Article 14

Article 14 forbids arbitrary classification and requires equality before the law. Reasonable classification is called into doubt by the amendment's limited application to ministers. Ministers have a unique constitutional position, yet their treatment must pass both the reasonable nexus and intelligible differential criteria (*State of West Bengal v. Anwar Ali Sarkar*, 1952). The reason for the policy is based on the claim that ministers represent the integrity of governance and have executive authority. However, detractors contend that legislators who continue to have an impact on governance in spite of facing criminal charges are not subject to the same criteria under the constitution. According to *Public Interest Foundation v. Union of India* (2019), this selective constitutionalism may be subject to scrutiny under Article 14 for applying ethical standards inconsistently.

3.4 Separation of Powers and Executive Autonomy

The Indian constitutional structure is based on the idea of separation of powers, which guarantees the legislative, executive, and judicial branches' functional independence (*Kesavananda Bharati v. State of Kerala*, 1973). Traditionally, the Governor or President, acting on the Chief Minister's or Prime Minister's recommendation, has the authority to appoint and remove ministries. An automatic constitutional trigger that limits executive discretion is introduced by the 130th Amendment. Excessive rigidity runs the risk of upsetting the functional balance, even though constitutional amendments may legiti-

mately restructure executive authority. Constitutional structures that implicitly allow one branch or outside agencies to destabilize another are discouraged by judicial precedent (*S.R. Bommai v. Union of India*, 1994). The proposal may indirectly provide non-elected institutions the ability to affect executive composition if an arrest by investigating authorities eventually results in the dismissal of ministers, raising concerns about the separation of powers.

3.5 Federalism and the Risk of Political Misuse

The fundamental framework of the Constitution includes federalism (*Kesavananda Bharati v. State of Kerala*, 1973). While ministerial tenure is established by the constitution, police and investigations are mostly under state jurisdiction. A structural intersection between these domains is produced by the amendment's automatic execution. In *S.R. Bommai v. Union of India* (1994), the Supreme Court issued a warning against abusing constitutional provisions to undermine elected governments. Arrest-based removal may be seen in politically competitive settings as permitting partisan abuse of investigative tools or federal overreach. Such views have the potential to erode constitutional stability and cooperative federalism. Protections against arbitrary or dishonest invocation become crucial to maintaining federal balance from the standpoint of constitutional design. (see Figure 3).

Dimension	Traditional Model	130th Amendment Model
Trigger	Conviction	Arrest / Detention
Safeguards	Judicial Trial	None specified
Nature	Adjudicative	Preventive
Risk	Delay	Misuse
Constitutional Basis	Article 21	Transparency mandate

Figure 3. Federal Impact Pathway of the 130th Amendment

3.6 Judicial Precedents on Criminalisation of Politics

Instead of focusing on executive removal, judicial involvement with the criminalization of politics has mostly concentrated on electoral transparency. The Supreme Court required the publication of criminal histories in *Union of India v. Association for Democratic Reforms* (2002) in order to enable informed voter choice. In *Public Interest Foundation v. Union of India* (2019), the Court emphasized legislative accountability while acknowledging the seriousness of criminalization and refusing to issue disqualifying directions. The

constitutional preference for democratic processes over exclusions imposed by the courts is highlighted by this judicial constraint. By making executive disqualification without conviction constitutional, the 130th Amendment deviates from this course. Although it resolves judicial dissatisfaction with legislative inaction, it raises questions about circumventing democratic accountability procedures. The Supreme Court has refused to support automatic disqualification in the absence of statutory protections, despite acknowledging the pressing need to address the criminalization of politics (*Public Interest Foundation v. Union of India*, 2019; Law Commission of India, 2014).

3.7 Doctrine of Proportionality

According to the proportionality theory, any restriction on rights must have a justifiable purpose, be appropriate for achieving that purpose, be required, and balance conflicting interests (*Modern Dental College v. State of M.P.*, 2016). The amendment advances the justifiable goal of administrative integrity by using this test. It is still up for debate, though, whether arrest-based removal is the least restrictive method. Alternatives like judicial supervision, time-bound review procedures, or suspension until trial might accomplish same goals with fewer constitutional dangers. Without these protections, the amendment might not pass the proportionality test because it imposes harsh penalties without sufficient procedural reason.

The 130th Amendment's federal impact pathway is shown graphically in

Figure 3: Federal Impact Pathway of the 130th Amendment

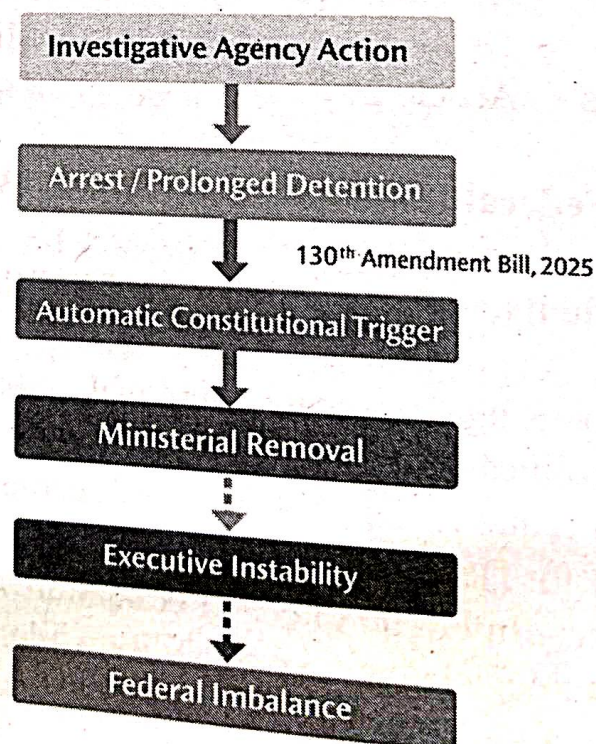


Figure 3. The flowchart illustrates how ministerial removal may result from investigative agency actions, which could cause executive instability and federal imbalance.

The Supreme Court in *Bommai v. Union of India* (1994) and federal experts like Wheare (1963) have repeatedly emphasized the possibility that investigative acts' automatic constitutional repercussions could upset the federal balance.

3.8 Comparative Constitutional Jurisprudence

Ministerial accountability is typically governed by political conventions rather than constitutional mandates in comparative constitutional systems. In the UK, it is customary for ministers to step down upon indictment rather than being required by the constitution (McLean & McMillan, 2020). Similar to this, political ethics, as opposed to arrest-triggered constitutional removal, are used in Canada and Australia to ensure executive accountability.

India's suggested strategy is a shift from convention-based accountability to strict constitutional enforcement. Comparative study warns against over-constitutionalizing ethical standards, which could limit flexibility and encourage politicization, even while this reflects domestic governance challenges (Smith, 2020).

3.9 Constitutional Evaluation

The 130th Amendment Bill is an ambitious endeavour to balance constitutional authority with ethical administration, according to a constitutional evaluation. Its strengths are in boosting public trust and increasing openness. However, there are significant constitutional issues with its reliance on imprisonment rather than adjudication, lack of procedural safeguards, and possible federal ramifications. If the judiciary is asked to interpret the amendment, it will probably look at it from the perspectives of federal balance, proportionality, and constitutional morality. Despite its moral appeal, the amendment runs the danger of constitutional weakness in the absence of built-in defences.

4. Findings, Critical Analysis, and Conclusion

4.1 Key Findings of the Study

Based on the interdisciplinary examination of constitutional law, administrative theory, public policy, and judicial precedent, the study arrives at the following key findings:

4.1.1 Transparency as a Constitutional Value Has Been Elevated

The 130th Amendment Bill, 2025 elevates administrative openness from a governance ideal to a constitutional necessity, marking a significant change in Indian constitutionalism. The amendment indicates a normative commitment to moral executive governance and reflects increased intolerance for the criminalization of politics (Government of India, 2025).

This conclusion is supported by judicial judgments on how criminalized leadership undermines democratic legitimacy (Public Interest Foundation v. Union of India, 2019).

If appropriate safeguards are not included, excessive constitutionalization of ethical standards runs the risk of compromising administrative discretion and democratic choice (Seervai, 2019; Arora & Verney, 2019).

4.1.2 Preventive Accountability Has Been Preferred Over Adjudicative Accountability

The amendment's reliance on preventive accountability mechanisms—where penalties result from detention rather than conviction—is a noteworthy conclusion. According to *Arnesh Kumar v. State of Bihar* (2014), this represents a break from customary constitutional protections based on adjudication and due process. This strategy poses significant constitutional concerns about justice, proportionality, and abuse, even though it is in line with the public's current demand for clean governance.

4.1.3 Executive Autonomy Is Substantially Curtailed

The amendment drastically reduces executive discretion by establishing an automatic constitutional trigger for ministerial removal. This modifies the customary equilibrium between political judgment and constitutional power,

which may have an impact on policy implementation and administrative continuity (S.R. Bommai v. Union of India, 1994).

4.1.4 Federal Equilibrium Faces Potential Strain

According to the study, arrest-based constitutional repercussions may indirectly give investigative agencies more power to undermine executive stability, which would have an impact on the federal balance. This raises valid concerns about cooperative federalism given India's history of political abuse of constitutional institutions (Bommai v. Union of India, 1994).

4.2 Critical Analysis

4.2.1 Constitutional Morality versus Procedural Justice

The idea of constitutional morality, which emphasizes moral leadership and democratic integrity, lends legitimacy to the amendment (Navtej Singh Johar v. Union of India, 2018). But procedural justice and constitutional morality cannot coexist.

An equally important aspect of constitutional morality is the presumption of innocence, which is acknowledged in Article 21 (Maneka Gandhi v. Union of India, 1978). The amendment runs the risk of favouring moral symbolism over constitutional justice by imposing harsh constitutional consequences without judgment.

4.2.2 Risk of Politicisation and Institutional Misuse

The possibility for politicization is one of the study's main concerns. Partisan factors may have an impact on arrests, especially in politically sensitive instances. This risk is increased by the lack of judicial control or review procedures. Transparency measures that are viewed as unfair or discriminatory have the potential to erode rather than strengthen institutional confidence, according to public policy research (Smith, 2020).

4.2.3 Over-Constitutionalization of Ethical Norms

According to comparative constitutional analysis, political conventions are frequently a more effective way to manage ethical governance than strict constitutional demands (McLean & McMillan, 2020). Over-constitutionalization is shown in the Indian approach under the 130th Amendment, which could

limit governance's adaptability and flexibility. Constitutional codification guarantees consistency, but it can sometimes lead to unintentional rigidity, particularly in intricate political contexts (Rajagopal, 2021).

4.2.4 Proportionality and Absence of Safeguards

The goal of the amendment is clearly justified when the proportionality test is used (Modern Dental College v. State of M.P., 2016). The study concludes that the methods used might not be the least restrictive, though.

The amendment's constitutional defensibility is weakened by the lack of protections like:

1. Judicial review;
2. Suspension rather than removal;
3. time-bound reconsideration; or
4. Differentiation between categories of offenses.

4.3 Policy Recommendations

The report makes the following recommendations in light of its findings and analysis:

1. To avoid abuse, automatic removal ought to be subject to confirmation by a constitutional court.
2. Transparency and procedural justice may be balanced by a temporary suspension pending trial.
3. The amendment ought to make a distinction between other criminal accusations and serious offenses involving moral turpitude.
4. To avoid partisan abuse and federal overreach, clear boundaries must be established.
5. Election and criminal justice changes that address the underlying causes of criminalization should be implemented in tandem with constitutional reform.

While the 130th Amendment seeks to enhance transparency, Prof. B.C. Smith warns, "Constitutional reform must balance the ideal with the just; otherwise, we risk replacing one flaw with another" (Smith, 2020). Hence, incorporating safeguards such as judicial oversight is critical.

According to comparative public law research, models of automatic disqualification are less balanced than suspension procedures with court supervision (Ashworth, 2015; Mashaw, 2017).

4.4 Conclusion

The amendment's success depends on striking the right balance. As Constitutional Scholar Dr. K.C. Wheare observed, "Good governance is the art of balancing legality, morality, and administrative efficiency" (Wheare, 1963), encapsulating the essential tension between transparency, procedural fairness, and federal stability.

The criminalization of executive authority is one of the most enduring issues facing Indian democracy, and the Constitution (One Hundred and Thirtieth Amendment) Bill, 2025 is a daring and revolutionary attempt to address it. The amendment reflects changing democratic expectations and public policy agendas by constitutionalizing ethical governance and administrative transparency. But constitutional revision needs to strike a balance between legal accuracy and moral aspirations. The study comes to the conclusion that although the amendment increases transparency, it does so at the expense of federal equilibrium, executive autonomy, and procedural fairness. The amendment runs the possibility of political abuse and constitutional vulnerability in the absence of sufficient safeguards. India's constitutional democracy will benefit more from a redesigned structure that incorporates transparency with due process, judicial monitoring, and federal sensitivity.

In the end, institutional integrity, political ethics, and informed democratic involvement are necessary to promote sustained administrative transparency, which cannot be attained solely through coercive constitutional processes. In the end, constitutional reform must balance procedural justice, institutional stability, and democratic morality—a balancing that is frequently highlighted in both Indian constitutional law and comparative federal theory (Austin, 2016; Wheare, 1963).

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