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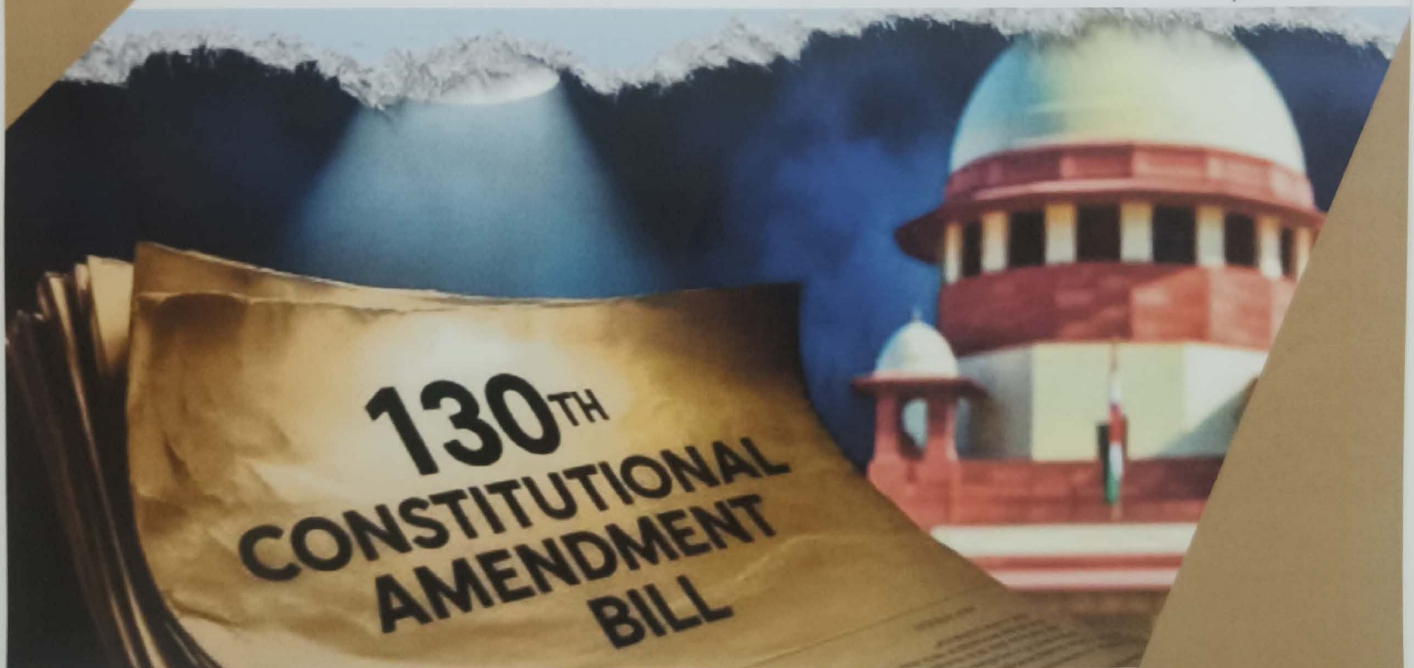
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Beyond Resignation Politics: Building a Ministerial Integrity System in India through South African Constitutional Design

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Abstract

India's ministerial accountability largely relies on reactive "resignation politics" and media scrutiny, lacking robust, proactive integrity enforcement mechanisms. In contrast, South Africa's constitutional design, featuring institutions like the Public Protector, establishes a comprehensive framework for ethical conduct and accountability. This paper undertakes a comparative analysis of these two models, identifying critical shortcomings in India's system and proposing a reform blueprint inspired by South Africa's constitutional ethics architecture to foster a more resilient and institutionalized ministerial integrity system in India. This approach aims to move beyond ad hoc reactions to ethical breaches towards a preventive and systematically enforced regime for public office holders.

Introduction

The discourse surrounding ministerial accountability in India frequently converges on instances where public officials resign amidst scandal or intense public pressure, a phenomenon colloquially termed "resignation politics." This reactive approach, primarily driven by media outrage and political expediency, often sidesteps the establishment of structured integrity enforcement and independent oversight (Tuovinen et al., 2021). This dynamic highlights a significant integrity gap in India's constitutional framework, where accountability for min-

isterial conduct is largely political rather than systematically institutionalized.

The absence of a robust, independent ethics infrastructure means that ethical breaches often go unaddressed until they escalate into major political crises, undermining public trust and democratic governance. In stark contrast, South Africa has developed a sophisticated constitutional ethics architecture, exemplified by institutions such as the Public Protector, which operates as an independent integrity branch designed to proactively investigate and redress maladministration and ethical transgressions within the public sector (Matsiliza & Zonke, 2017). This paper, therefore, undertakes a comparative analysis of these divergent approaches, examining the structural underpinnings of ministerial accountability in both nations to delineate pathways for fortifying India's integrity system. Specifically, this research aims to dissect the operational mechanisms of South Africa's constitutional accountability norms, drawing salient lessons applicable to the Indian context, thereby moving beyond the reactive paradigm of resignation politics towards a more proactive and institutionally anchored ethical governance framework. This paper posits that by integrating select elements of South Africa's constitutional design, India can evolve a more resilient and institutionally embedded system for ministerial integrity, reducing reliance on episodic public outrage and political resignations.

The constitutional position in India further entrenches this political model, as ministers are appointed and removed at the pleasure of the executive under Articles 75 and 164, rendering accountability largely a matter of political discretion and collective responsibility rather than legal obligation (Constitution of India, Arts. 75 & 164). The rule of law and equitable application of ethical norms, thereby perpetuating a systemic integrity gap that weakens the foundational principles of constitutional morality [Manoj Narula v Union of India, 2014]. The concept of constitutional morality, as interpreted by the judiciary, mandates that those in power adhere to ethical norms beyond mere legal technicalities, yet the enforcement of this standard remains sporadic without dedicated institutional support. The structural reliance on political discretion rather than codified legal obligation creates a vacuum where independent oversight is conspicuously absent, leaving the enforcement of ethical standards to the vagaries of partisan calculations. The Supreme Court has emphasized that constitutional morality requires those in power to adhere to ethical standards beyond mere legal technicalities, yet the enforcement of this standard remains sporadic without dedicated institutional support. This deficiency is particularly acute when contrasted with jurisdictions where state institutions are statutorily mandated to reinforce all pillars of integrity mutually upon observ-

ing acts of transgression and disobedience to the rule of law (Matsiliza & Zonke, 2017).

India's Ministerial Accountability Model: Resignation Politics and the Integrity Gap

The prevailing model in India often necessitates ministers to resign primarily due to sustained political pressure or widespread media outrage, rather than through the activation of codified integrity enforcement mechanisms (Matsiliza & Zonke, 2017). This phenomenon underscores a system where accountability is more a consequence of external political dynamics and public perception than an outcome of internal, institutionalized ethical oversight (Hiruta, 2015). Such a framework inherently prioritizes damage control and political survival over consistent adherence to ethical standards and transparent governance. Consequently, this reliance on ad hoc, politically charged reactions contributes to an environment where ministerial conduct is scrutinized post-facto and often selectively, depending on the political capital of the individual or party involved.

This susceptibility to political maneuvering often overshadows genuine concerns regarding public integrity, leading to an erosion of faith in governmental processes and a perception of impunity among certain officeholders. The constitutional provisions governing the appointment and removal of ministers in India, primarily Articles 75 and 164, further underscore this emphasis on political accountability. These articles delineate the Prime Minister's or Chief Minister's prerogative in forming and dissolving cabinets, effectively placing ministerial tenure largely at the discretion of the executive head and the collective responsibility of the council to the legislature.

However, these constitutional provisions offer limited explicit mechanisms for addressing individual ministerial ethical breaches independent of the political leadership, thus perpetuating the integrity gap. This inherent structural characteristic often conflates political accountability, which is primarily concerned with policy outcomes and electoral mandates, with individual ethical accountability, which pertains to adherence to established codes of conduct and probity in public life. This conflation results in a governance landscape where the enforcement of probity is contingent upon the political will of the executive rather than the impartial application of law, thereby necessitating a shift towards institutionalized oversight mechanisms to bridge the existing integrity gap. The integrity gap is further exacerbated by the absence of a statutory, inde-

pendent body specifically empowered to investigate and adjudicate on ministerial misconduct, leaving a vacuum that is filled only sporadically by judicial interventions or ad hoc inquiries.

South Africa's Constitutional Ethics Architecture

South Africa's post-apartheid constitutional framework intentionally embedded robust mechanisms to promote transparency, accountability, and ethical conduct within its public administration, thereby establishing a proactive and preventative approach to integrity rather than a reactive one. Central to this architecture is Chapter 9 of the Constitution, which establishes state institutions supporting constitutional democracy, including the Public Protector, Auditor-General, and the Electoral Commission, each vested with specific mandates to uphold good governance and combat corruption.

The Public Protector, in particular, plays a pivotal role in investigating maladministration, abuse of power, and other unethical conduct within state organs, including ministerial offices, operating with a degree of independence critical for impartial oversight. This institution's remit extends to ensuring that all organs of state adhere to principles of good governance, accountability, and ethical public administration, thereby fostering a culture of integrity across the government. This constitutional design deliberately counters the vulnerabilities inherent in systems that rely solely on political or media pressure for accountability, establishing an independent bulwark against corruption and malfeasance. The Public Protector's extensive powers, including the ability to investigate, report on, and recommend remedial action for ethical transgressions, are constitutionally entrenched, providing a powerful check on executive power and ministerial conduct. This structural independence and broad mandate allow the Public Protector to initiate investigations proactively, irrespective of political directives or public outcry, distinguishing it significantly from India's largely reactive model of accountability. Furthermore, the South African framework emphasizes a comprehensive ethics regime, encompassing not only the Public Protector but also stringent constitutional norms regarding financial disclosures, conflicts of interest, and the general conduct of public officials, ensuring a multifaceted approach to maintaining integrity. This holistic design fosters an environment where ethical accountability is an ongoing institutional process rather than an episodic political event. The integrated nature of these institutions and norms creates a cohesive system designed to preemptively address ethical lapses, reinforcing public trust through consistent and transparent enforcement.

This robust constitutional architecture, therefore, serves as a significant

contrast to models where accountability is primarily driven by external political forces or media scrutiny, offering a more systematic and legally grounded approach to ministerial ethics. The South African model further distinguishes itself through the constitutional insulation of its oversight bodies, ensuring that investigations into executive conduct are shielded from direct executive interference, a feature notably absent in India's parliamentary framework where oversight remains largely within the legislature's political ambit.

Comparative Lessons and Feasibility for India

A comparative analysis reveals distinct disparities in how accountability is triggered, enforced, and safeguarded against political exploitation between India and South Africa. In India, accountability is predominantly triggered by public and media outcry, leading to politically motivated resignations, whereas in South Africa, independent Chapter 9 institutions like the Public Protector proactively initiate investigations into alleged misconduct, regardless of public pressure. This fundamental difference underscores a reactive versus proactive approach to maintaining ministerial integrity, with India relying on ex-post political consequences and South Africa employing ex-ante institutional mechanisms. Moreover, enforcement in India often manifests as political maneuvering or internal party discipline, whereas South Africa's system empowers independent bodies with investigatory powers and the authority to make binding recommendations, thereby institutionalizing the enforcement process. The independence of oversight also markedly diverges, with India lacking a truly autonomous body to scrutinize ministerial ethics, in contrast to South Africa's constitutionally entrenched and operationally independent integrity institutions.

This institutional independence in South Africa provides a crucial safeguard against the political weaponisation of ethics complaints, as investigations are conducted by impartial bodies rather than being subject to partisan interests, a vulnerability often observed in India's less formalized system. Consequently, the South African model offers valuable insights into establishing an ethics framework that not only enforces accountability but also prevents the instrumentalization of integrity mechanisms for political gain through robust institutional design and operational autonomy. The inherent feasibility for India to adopt similar structures lies in its constitutional capacity to establish independent bodies, potentially through statutory provisions or even constitutional amendments, to mirror the proactive, rather than reactive, approach to ministerial integrity. To mitigate the risks of political weaponisation, any proposed integrity framework must incorporate rigorous procedural safeguards, including

threshold requirements for initiating investigations to prevent frivolous complaints and a transparent due process filter to protect ministers from partisan harassment.

These safeguards must include a requirement for prima facie evidence of substantial misconduct before any inquiry can commence, ensuring that the mechanism is not utilized for settling political scores. Additionally, a transparent reporting mechanism must be institutionalized to ensure that the findings of any integrity investigation are made public, thereby maintaining public confidence in the process while protecting the rights of the accused. To operationalize this oversight, a binding Ministerial Code of Conduct must be enacted, supplemented by mandatory disclosure rules and conflict-of-interest protocols that leave no ambiguity regarding the ethical standards expected of public officeholders. To ensure the efficacy of such a code, it must be integrated with a strengthened parliamentary ethics committee empowered to review the commission's findings and enforce sanctions, thereby bridging the gap between independent investigation and political accountability. This integrated mechanism ensures that technical findings from an independent body are subjected to democratic scrutiny before sanctions are applied, thereby reconciling the need for expert oversight with the principles of parliamentary sovereignty.

Reform Blueprint for India

A statutory Ministerial Integrity Commission could be established, drawing inspiration from South Africa's Public Protector, but tailored to India's unique constitutional landscape and political realities. This commission would be endowed with the mandate to investigate alleged breaches of a clearly defined code of conduct for ministers, ensuring a standardized approach to ethical oversight. Its powers would encompass conducting independent inquiries, compelling evidence, and recommending disciplinary actions or prosecutions, thereby providing a formal, apolitical channel for addressing ethical lapses.

Such a commission would operate with defined autonomy, analogous to constitutional bodies, thus insulating its functions from direct executive or legislative interference. Furthermore, robust constitutional amendments would solidify its independence, mirroring the Chapter 9 institutions in South Africa, ensuring its operational and financial autonomy. Another crucial reform would involve the enactment of a comprehensive Ministerial Code of Conduct, a legally binding document that clearly delineates ethical standards, conflict-of-interest guidelines, and asset declaration requirements for all ministers. This

code should be enforceable through clear penalties for non-compliance, moving beyond mere guidance to establish a framework of stringent accountability.

This code would introduce a degree of predictability and objectivity into ministerial ethics, shifting away from the current reliance on subjective political judgments. This formalization would establish clear benchmarks for ministerial behavior, enabling consistent and transparent evaluation of conduct, irrespective of political affiliations or public opinion. To complement this, a system for the proactive disclosure of ministerial assets and liabilities, along with regular audits, would enhance transparency and deter illicit enrichment. Such disclosures, publicly accessible and regularly updated, would serve as a crucial mechanism for public scrutiny and accountability, building trust in the integrity of public office. This systematic approach to financial transparency would significantly curb opportunities for corruption and illicit financial gains within ministerial ranks. To ensure these mechanisms are not misused for political vendettas, the reform blueprint must incorporate rigorous procedural safeguards, including a high threshold for initiating investigations to prevent frivolous complaints and a multi-member decision-making process to insulate the body from partisan influence.

Conclusion

These measures, collectively, would lay the groundwork for a more robust and institutionalized ministerial integrity system in India, moving beyond the limitations of resignation politics towards a model grounded in constitutional ethics and independent oversight. This transition would foster greater public trust in governance and strengthen democratic institutions by ensuring that ministerial accountability is systematic, predictable, and fair. Such a framework, by embedding ethical conduct within a formal legal structure, would significantly reduce the arbitrary nature of accountability presently observed in India.

The proposed reforms offer a pathway for India to emulate the strengths of South Africa's constitutional design, thereby cultivating a culture of proactive integrity rather than reactive damage control. This comparative approach, therefore, serves as a vital blueprint for India to develop a resilient ministerial integrity system rooted in institutional mechanisms rather than the unpredictable tides of political pressure and media scrutiny. Ultimately, implementing these reforms would not only elevate the standards of public service but also fortify the foundational principles of Indian democracy by institutionaliz-

ing ethical governance. This systematic approach to ministerial ethics would ensure accountability is meted out through established legal and administrative processes, reducing reliance on sensationalized media narratives or partisan maneuvering. Such a transformation would mark a significant paradigm shift from the current informal and often inconsistent enforcement of ministerial ethics to a structured, constitutionally-backed framework. By embedding accountability within independent institutions and codified norms, India can ensure that ministerial conduct is judged by objective legal standards rather than the volatile calculus of political expediency.

This shift would not only sanitize public administration but also reinforce the constitutional morality that underpins the republic, ensuring that the exercise of executive power remains consistently aligned with the public interest and the rule of law. The successful realization of this vision, however, hinges on the political will to prioritize institutional integrity over partisan advantage, necessitating a broad consensus on the non-negotiable nature of ethical governance in a mature democracy. Only through such a steadfast commitment to institutional reform can India transcend the prevailing culture of resignation politics and establish a durable integrity framework that withstands the pressures of partisan contestation. This enduring commitment to structural integrity is essential for ensuring that ethical governance becomes a permanent feature of the state rather than a transient political convenience. It requires a sustained dedication to the principle that public office is a public trust, demanding that the architecture of accountability be insulated from the shifting sands of political fortune to preserve the sanctity of the constitutional order.

This foundational stability is indispensable for the long-term health of India's liberal democracy, ensuring that the vertical, horizontal, and diagonal accountability demands placed on the political executive are met through robust institutional mechanisms rather than ad hoc political maneuvers (Khaitan, 2020). By securing the composition and tenure of these integrity bodies against partisan capture, the state can prevent the fusion of party and state interests that often undermines democratic accountability. The establishment of independent referee institutions, insulated from political capture and dedicated to enforcing the rules of the democratic game, is therefore not merely an administrative adjustment but a constitutional imperative for preserving the separation of powers and the rule of law. Such institutional insulation ensures that contesting political parties adhere to a common set of rules and sanction those who violate them, functioning as neutral arbiters rather than players on the political field (Vaishnav, 2025). This transformation ultimately redefines the

relationship between the state and its citizens, ensuring that the exercise of executive power is consistently tethered to the rule of law and the public interest rather than the whims of temporary majorities. The realization of this constitutional imperative requires a deliberate shift from personality-driven accountability to system-driven integrity, where the enforcement of ethical norms is depoliticized through independent agencies and personnel dedicated to constitutional ethos (Yesilkagit et al., 2024).

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