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Ethics, Law, and Politics**

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Constitutional Ethics and Ministerial Accountability in India: Re-examining Democratic Responsibility in the Context of the Constitution (130th Amendment) Bill, 2025

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Abstract

In India, constitutional democracy is upheld not just by written legislative provisions but also by adherence to constitutional ethics that direct the behaviour of people in positions of public authority. Ministerial accountability is one of these moral requirements that are essential to maintaining responsible government, openness and democratic legitimacy in a parliamentary system. With special reference to the proposed Constitution (130th Amendment) Bill, 2025 and its implications for the future of Indian democracy, this article explores the changing nature of constitutional ethics and ministerial responsibility in India.

With an emphasis on the difference between legal enforceability and ethical obligation, the study conducts a doctrinal and analytical analysis of constitutional provisions, parliamentary conventions and judicial interpretations governing ministerial accountability. It contends that although the Constitution requires the Council of Ministers to be collectively accountable to the legislature, political morality and adherence to unwritten constitutional norms are increasingly important for the efficacy of accountability systems. In light of this, the study critically evaluates the goals and provisions of the 130th

Amendment Bill, determining whether it enhances democratic accountability or runs the risk of weakening moral constraints on executive authority.

The essay also places ministerial accountability at the nexus of politics, law, and ethics, emphasising current issues including diminishing parliamentary oversight, excessive party dominance, and the breakdown of conventions. The study highlights the need to strengthen constitutional ethics as a defence against authoritarian tendencies by taking a normative constitutional viewpoint. In order to maintain democratic accountability in India, the paper advocates for the institutionalisation of ethical standards, more parliamentary scrutiny, and a renewed dedication to constitutional values.

Keywords:

Constitutional Ethics; Ministerial Accountability; Constitutional Amendments; Parliamentary Democracy; Executive Responsibility; Ethics and Governance; Indian Constitution

1. Introduction

The ethical commitment of people in positions of public authority is just as important to India's constitutional democracy as the wording of the Constitution. Constitutional ethics those normative values, customs, and moral constraints that direct constitutional actors in the exercise of power are crucial to the efficient operation of democratic governance, even though constitutional law specifies the formal distribution and limitation of authority. Ministerial accountability, which guarantees that executive authority continues to answer to the legislature, the Constitution, and the people, is one of the most important examples of constitutional ethics.

Ministerial accountability is crucial to preserving democratic legitimacy, openness, and public confidence in a parliamentary democracy. This idea is included into the Indian Constitution through concepts like parliamentary scrutiny, individual ministerial duty, and collective responsibility. However, rather than rigorous legal enforcement, these systems have always placed a strong emphasis on political morality, customs, and ethical self-control. Concerns about executive supremacy, waning legislative oversight, the deterioration of constitutional norms, and the growing normalisation of unethical behaviour in public office have all grown in recent years.

The Constitution (130th Amendment) Bill, 2025 takes on special constitutional significance in light of this. The amendment, which was put out in response to perceived shortcomings in governance and accountability, aims to improve executive accountability by transforming moral standards into legally binding constitutional duties. The Bill presents difficult issues about the preservation of parliamentary democracy, the dangers of centralisation of power, and striking a balance between ethical governance and legal enforcement, even as it purports to strengthen democratic accountability.

In order to place the 130th Amendment in the context of larger constitutional theory and democratic practice, this study conducts a doctrinal and analytical investigation of constitutional ethics and ministerial responsibility in India. The study assesses whether the proposed amendment increases democratic responsibility or runs the risk of eroding ethical restrictions on executive power by examining constitutional provisions, legislative conventions, judicial interpretations, and current governance difficulties. In the conclusion, the article makes the case that sustained democratic governance necessitates a renewed dedication to constitutional ethics as a fundamental democratic safeguard rather than only constitutional modifications.

2. Conceptual Framework: Constitutional Ethics

The moral precepts, normative norms, and institutional obligations that direct a constitutional democracy's interpretation, operation, and implementation are referred to as constitutional ethics. Constitutional ethics functions in the normative domain, influencing the exercise, limitation, and justification of constitutional powers, in contrast to constitutional law, which mainly deals with enforceable legal regulations and textual requirements. It aims to guarantee that public authority is used in line with constitutional morality, democratic responsibility, and public trust rather than only within the text of the law. It embodies the spirit of the Constitution.

The ethical framework that governs the behaviour of constitutional actors in the performance of their tasks, including lawmakers, ministers, executives, judges, and other constitutional functionaries, is known as constitutional ethics. It places a strong focus on adhering to essential constitutional principles, such as the separation of powers, accountability, transparency, rule of law, and respect for fundamental rights. During the Constituent Assembly Debates, Dr. B.R. Ambedkar emphasised the need of moral behaviour in government by warning that even the best-written Constitution may collapse if those in charge

of its implementation lacked constitutional morality (Ambedkar, 1949).

Constitutional ethics is by its very nature a wide and dynamic field. It encompasses ethical decision-making, responsible governance, and commitment to democratic norms in addition to formal compliance with constitutional restrictions. This encompasses unwritten standards including the obligation to act in the public good, respect for institutional autonomy, avoidance of power abuse, collective accountability, and ministerial responsibility. In this way, constitutional ethics ensures that constitutional power is used responsibly, justifiably, and responsibly, bridging the gap between legitimacy and legality.

Despite their frequent interchangeability, constitutional ethics and constitutional morality are theoretically different but complementary. While constitutional ethics concentrates on the moral behaviour and obligations of constitutional actors in actual government, constitutional morality refers to the dedication to upholding the fundamental values and goals included in the Constitution. Constitutional ethics operationalizes these objectives through institutional behaviour, while constitutional morality provides the normative basis. The Supreme Court has continuously highlighted constitutional morality as a guiding principle. In *Navtej Singh Johar v. Union of India* (2018), for example, it gave precedence to the constitutional ideals of liberty, equality, and dignity over prevailing social morality.

A strong ethical foundation for democratic government is ingrained in the Indian Constitution. The Preamble requires constitutional institutions to advance inclusive and responsible governance by outlining justice, liberty, equality, and fraternity as fundamental ethical principles. By requiring fairness, reasonableness, and non-arbitrariness in governmental conduct, Articles 14 and 21 strengthen ethical governance. In a similar vein, Article 75(3)'s collective responsibility principle upholds constitutional ethics by guaranteeing the executive branch's political accountability to the legislative.

Despite not being legally enforceable, constitutional norms like cabinet discipline, respect for parliamentary scrutiny, and ministerial resignation for moral responsibility also uphold democratic accountability. Constitutional ethics have been further strengthened by court rulings. The Supreme Court emphasised integrity and transparency as crucial qualities of public office in *Centre for Public Interest Litigation v. Union of India* (2012) and held in *Kehar Singh v. Union of India* (1989) that discretionary constitutional powers must be exercised on rational and ethical grounds.

When it comes to ministerial accountability, constitutional ethics becomes very important. Ministers have broad executive authority that impacts democratic institutions, public resources, and people's rights. Therefore, ethical accountability presents public office as a constitutional trust that necessitates accountable, transparent, and transparent government. Constitutional ethics become essential in the context of the proposed Constitution (130th Amendment) Bill, 2025 since democratic responsibility cannot be ensured by legislative processes alone without the ethical commitment of constitutional actors.

In summary, constitutional ethics is an essential part of India's constitutional governance. It guarantees that democratic accountability goes beyond simple legal compliance by incorporating moral responsibility into the use of public authority. Constitutional ethics, which is based on constitutional ideals, customs, and judicial interpretation, upholds the integrity and legitimacy of constitutional institutions and is still essential to maintaining ministerial accountability in a modern democracy.

3. Ministerial Accountability under the Indian Constitution

A key component of India's constitutional democracy is ministerial accountability, which guarantees that executive authority is used within moral, legal, and democratic bounds. Three interconnected mechanisms—collective responsibility, individual ministerial responsibility, and ethical leadership of the Prime Minister and Cabinet—are used to implement ministerial accountability, which is based on the Westminster model and modified for Indian constitutional circumstances. In the framework of the Constitution (130th Amendment) Bill, 2025, these instruments collectively aim to strike a compromise between democratic monitoring and executive efficiency.

The House of the People must hold the Council of Ministers collectively accountable under the notion of collective responsibility, which is specifically acknowledged in Article 75(3) of the Constitution. Regardless of internal conflicts, this principle mandates that the Cabinet function as a cohesive unit and that all ministers share responsibility for governmental decisions. Ministers are required by the constitution to either publicly support a policy decision or resign. By guaranteeing that the executive is nonetheless liable to the legislature through procedures like debates, questioning, and resolutions of no confidence, collective responsibility upholds parliamentary supremacy. According to judicial interpretation, collective accountability is a constitutional requirement that is crucial to parliamentary democracy, not just a custom. Nevertheless,

increasing executive centralisation and weakened legislative scrutiny have raised concerns about the dilution of this principle.

The idea of individual ministerial accountability, which holds each minister accountable for the management and behaviour of their own department, complements collective responsibility. This idea is derived from long-standing legislative customs and Articles 75 and 77, even though it is not specifically legislated. Administratively, ministers are accountable to Parliament for decisions made by civil officials under their supervision as well as actions and inactions within their ministries. Ministers are expected to respect ethical standards of propriety, honesty, and openness. However, Indian experience shows uneven enforcement, with political expediency frequently taking precedence over moral responsibility. Individual ministerial responsibility has typically been viewed by courts as a political custom rather than a legally binding duty.

A key position in upholding ministerial accountability is held by the prime minister. The Prime Minister has significant control over Cabinet composition, portfolio distribution, and ministerial tenure in his capacity as head of the Council of Ministers. The Prime Minister is the primary defender of executive ethics because, although ministers are officially appointed at the President's discretion, this discretion is used on the Prime Minister's recommendation. Strong leadership can provide accountability and discipline, but too much power concentration runs the risk of eroding institutional checks and group decision-making.

The larger framework of Cabinet ethics, based on constitutional morality, extends beyond formal institutions. In order to uphold the democratic spirit of the Constitution, ministers must be transparent, avoid conflicts of interest, respect institutional autonomy, and uphold the rule of law. Ethical standards have developed through conventions and judicial advice despite the absence of a codified ministerial code with statutory authority in India. However, their lax enforcement has led to deficiencies in accountability.

The Indian Constitution's definition of ministerial accountability emphasises the intricate relationship between individual ethics, group responsibility, and prime ministerial leadership. Although the constitutional framework is normatively sound, there are nevertheless disparities in its effective execution. In order to maintain democratic government, the current constitutional debate emphasises the necessity of bolstering executive responsibility through both legal protections and constitutional ethics, especially with regard to the 130th

Amendment.

4. The Constitution (130th Amendment) Bill, 2025: An Overview

A major change to India's constitutional framework, the Constitution (130th Amendment) Bill, 2025 aims to strengthen executive accountability in a parliamentary democracy. The Bill aims to rebalance the relationship between administrative authority and democratic responsibility. It was introduced in response to growing public concerns about governance from custody, investigative agency autonomy, and perceived loss of constitutional standards. Fundamentally, the amendment is part of a larger strategy for democratic reform that aims to rebuild public trust in constitutional governance. The declared goal is to guarantee that high executive office holders continue to be institutionally and functionally accountable, especially in situations involving extended detention or grave criminal accusations. By outlawing circumstances in which executive power is used symbolically or indirectly without actual accountability, the amendment tries to prevent constitutional paralysis. Increased conflicts between executive power and accountability systems are reflected in the Bill's political context. The constitution's silence on the repercussions of custodial confinement, according to critics of current practices, permitted informal power structures to erode democratic legitimacy. Thus, the amendment aims to transform ethical standards into constitutional duties, strengthening the notion that public office and constitutional morality are inextricably linked.

The Bill's effect on executive power is among its most significant features. The amendment moves away from convention-based accountability and towards hard-coded constitutional enforcement by providing constitutionally mandated repercussions that are triggered by specific conditions, such as continued custody beyond a predetermined threshold. This change restricts the potential for political negotiation to supersede constitutional norms and limits presidential power.

Additionally, the change has significant ramifications for ministerial accountability. Ministerial accountability under Articles 75 and 164 was traditionally based on parliamentary procedures and moral restraint rather than legally binding standards. By adding objective constitutional triggers, the 130th Amendment aims to improve both individual and collective responsibility. This strategy is an attempt to address long-standing complaints about delayed resignations and selective accountability.

To avoid abuse or politicisation, constitutional academics have warned that such rules must be supplemented by strong procedural safeguards. Enhanced accountability measures run the risk of becoming instruments of executive destabilisation in the absence of judicial scrutiny and well-defined thresholds.

Convention-driven governance gives way to constitutionally mandated accountability with the passage of the Constitution (130th Amendment) Bill, 2025. Although its goals are in line with public trust and democratic ethics, its long-term legitimacy will require institutional protections, balanced implementation, and ongoing respect for parliamentary authority.

5. Ethical and Democratic Implications of the 130th Amendment

Regarding the nature and boundaries of executive responsibility under India's parliamentary system, the Constitution (130th Amendment) Bill, 2025 presents significant moral and democratic issues. Although the amendment is presented as a remedy for governance shortcomings, its consequences go beyond current political situations and necessitate assessment using democratic theory and constitutional ethics.

Whether the amendment actually improves accountability and openness or just replaces political accountability with strict constitutional enforcement is a crucial ethical matter. The amendment aims to strengthen public confidence and lessen uncertainty in accountability procedures by providing objective constitutional triggers connected to executive behaviour. From an ethical perspective, this change affirms that public service cannot be shielded from moral and legal ramifications, demonstrating a dedication to constitutional morality. However, detractors caution that if enforcement mechanisms function without sufficient procedural safeguards, such hard-coded accountability runs the risk of centralising authority. Accountability could become a tool of political control rather than democratic correction if investigative or coercive procedures are abused. In addition to decisiveness, justice, proportionality, and institutional restraint are necessary for ethical governance. Without these, the amendment might inadvertently damage the same credibility it aims to rebuild.

A key component of parliamentary democracy, the legislature-executive balance, is also impacted by the modification. In theory, it reinforces legislative supremacy by constitutionally limiting executive authority in certain circumstances. Particularly in cases when executive legitimacy is disputed,

Parliament's position as the principal venue for accountability is reiterated.

However, opposition and dissent play a crucial role in maintaining democratic life. Opposition scrutiny may be undermined rather than strengthened if accountability tools are used selectively or without significant parliamentary discussion. A democracy depends on contestation as much as conformity. The amendment must function in tandem with thorough parliamentary discussion and the defence of dissenting opinions in order to strengthen democratic responsibility.

The 130th Amendment's moral and democratic worth ultimately rests on how it is put into practice. It can improve democratic accountability when it is in line with judicial supervision, parliamentary participation, and constitutional morality. It runs the risk of recalibrating power in ways that weaken democratic ethics in the absence of these protections.

6. Challenges to Ethical Accountability in Contemporary India

In modern India, political and structural obstacles to ethical accountability restrict the efficient operation of constitutional democracy. Despite strong constitutional principles, democratic scrutiny and executive accountability are frequently weakened by the practicalities of governing.

The whip system's reinforcement of party power is a major barrier. Legislative independence has been undermined by the strict application of anti-defection rules, despite the fact that they were passed to maintain political stability. Even in cases involving unethical behaviour inside the executive branch, members of Parliament are often prohibited from using their moral or constitutional judgement. This diminishes accountability to numerical majorities rather than constitutional principles and undercuts Parliament's function as a deliberative body.

The lax enforcement of ethical standards presents a second difficulty. India does not have a ministerial code of ethics that is legally obligatory and enforceable. Rather than being a constitutional obligation, ethical responsibility is primarily viewed as a question of political judgement. As a result, political expediency rather than impartial standards of integrity frequently determines resignation or punishment, undermining public trust in government.

The role of the media and public opinion are paradoxical. While media

scrutiny has increased transparency, it has also resulted in selective accountability, where ethical outrage is shaped by political allegiance rather than uniform standards. By transforming responsibility into spectacle rather than institutional transformation, this contradiction poses a threat to democratic legitimacy. Lastly, ethical governance continues to be threatened by the criminalisation of politics. Moral leadership is weakened and ethical compromise is normalised by the growing number of lawmakers with criminal histories. Although this issue has been recognised by judicial interventions, structural improvements are still scarce. Constitutional ethics runs the risk of staying inspirational rather than practical if this fundamental problem is not resolved.

When taken as a whole, these issues show disconnect between political practice and constitutional morality. Institutional changes, enforceable standards, and a reinvigorated dedication to democratic duty that goes beyond party interests are all necessary to strengthen ethical accountability.

7. Conclusion

This paper's research emphasises that ministerial responsibility is a moral and democratic requirement based on constitutional ethics rather than just a constitutional procedure. Although the Indian Constitution offers a strong framework for executive accountability through parliamentary oversight, individual ministerial responsibility, and collective responsibility, the success of these mechanisms has traditionally relied on ethical self-control and adherence to constitutional norms. Despite formal constitutional conformity, the deterioration of these unwritten standards has weakened democratic legitimacy and contributed to accountability gaps.

A significant move away from convention-based governance and towards constitutionally mandated accountability is represented by the Constitution (130th Amendment) Bill, 2025. The amendment aims to resolve long-standing issues with delayed resignations, selective accountability, and governance from custody by establishing objective constitutional triggers impacting executive authority. From the standpoint of constitutional ethics, the Bill represents an effort to uphold the idea that moral legitimacy and democratic duty are inextricably linked to public service.

The research does, however, warn that ethical governance cannot be replaced solely by legal enforcement. Enhanced accountability measures run the risk of centralising power and facilitating politicised enforcement in the

absence of sufficient procedural safeguards, judicial monitoring, and legislative deliberation. Fairness, proportionality, institutional constraint, and respect for dissent are all important components of democratic accountability in addition to rigidity. Therefore, rather than being used as a political tool, the 130th Amendment's long-term constitutional validity will depend on how it is applied in accordance with constitutional morality.

In the end, this research confirms constitutional ethics as a crucial democratic defence. Constitutional actors' commitment to ethics guarantees that executive power is used as a public trust rather than a political privilege. Reaffirming constitutional ethics along with legislative reforms is crucial for maintaining ministerial responsibility, parliamentary democracy, and the integrity of India's constitutional order in an era of growing executive authority and democratic stress. Therefore, the future of democratic administration in India depends not just on constitutional revisions but also on the moral integrity with which constitutional authority is used.

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