

CONSTITUTIONAL MORALITY AND THE CRISIS OF POLITICAL ACCOUNTABILITY: A CRITICAL STUDY OF THE 130TH AMENDMENT BILL, 2025 IN STRENGTHENING INDIAN DEMOCRACY

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Abstract

The introduction of the Constitution (One Hundred and Thirtieth Amendment) Bill, 2025 marks a historic juncture in India's democratic evolution. The proposed amendment, mandating the removal of the Prime Minister, Chief Ministers, and Ministers held in custody for more than thirty consecutive days in cases involving serious criminal offences, aims to tackle the persistent issue of criminalisation in politics. This paper critically examines the ethical, constitutional, and political implications of this amendment and its potential to reinforce public trust in governance.

The concept of constitutional morality, as envisioned by Dr. B. R. Ambedkar, serves as the theoretical foundation of this study. It argues that political accountability must transcend mere legality and embody a moral commitment to democratic integrity. By analysing the constitutional principles embedded in Articles 75 and 164, this paper explores the intersection between executive responsibility, collective accountability, and judicial oversight. The study also considers comparative perspectives from parliamentary democracies such as the United Kingdom, Australia, and Canada to evaluate whether similar mechanisms exist to address corruption and abuse of power. Furthermore, the paper discusses the ethical dimensions of governance, emphasizing that democratic legitimacy relies not only on electoral mandate but also on moral conduct in public office. It highlights the role of media, civil society, and judiciary in demanding accountability and maintaining the rule of law. Sociological perspectives on public perception of political corruption are also incorporated to understand how institutional reforms can shape democratic morality.

Through doctrinal analysis, case studies, and comparative evaluation, the research concludes that the 130th Amendment Bill, if implemented with adequate safeguards, could serve as a milestone in cleansing Indian politics and revitalizing faith in the constitutional order. However, the paper also warns against the risks of political misuse and calls for institutional checks to prevent arbitrary disqualification. Ultimately, this study advocates that ethical governance rooted in constitutional morality is indispensable for the survival and strengthening of Indian democracy.

Keywords: Constitutional Morality, Political Accountability, 130th Amendment Bill 2025, Criminalisation of Politics, Ethical Governance, Indian Democracy

1. Introduction

India's democracy, the world's largest, has often been hailed as a miracle of constitutional engineering. Yet, its moral foundation has repeatedly been tested by the growing menace of criminalisation in politics. The introduction of the Constitution (One Hundred and Thirtieth Amendment) Bill, 2025, represents a significant step toward cleansing political institutions by ensuring that those facing serious criminal charges cannot continue to hold high public office while in custody. The amendment seeks to enforce the principle that public office is a trust, not a privilege, and that integrity must be the cornerstone of governance. This paper examines the proposed amendment through the lens of constitutional morality, a principle that calls upon political actors to adhere not only to the letter of the Constitution but also to its spirit of ethical responsibility and democratic accountability. The research explores the amendment's implications for the rule of law, political ethics, and institutional integrity within the broader framework of democratic governance.

2. Conceptual Framework: Constitutional Morality and Accountability

Dr. B. R. Ambedkar introduced the term constitutional morality to describe the ethical framework necessary for the survival of democracy. Constitutional morality, in this context, means respect for constitutional processes, adherence to the rule of law, and the cultivation of public virtue among both rulers and citizens. It transcends legal compliance and demands moral restraint, self-discipline, and fidelity to constitutional ideals. Political accountability, on the other hand, implies that those exercising public power must be answerable for their actions. It involves mechanisms of responsibility such as parliamentary oversight, judicial review, and electoral sanction. The 130th Amendment Bill seeks to institutionalize this accountability by

mandating the removal of ministers who lose public trust due to custodial charges.

3. Historical Context: Criminalisation of Politics in India

The nexus between crime and politics in India dates back to the post-Emergency era. Several landmark reports, including the Vohra Committee Report (1993), highlighted the dangerous collusion between politicians, bureaucrats, and criminal syndicates. Judicial interventions, such as in *Lily Thomas v. Union of India* (2013), have sought to disqualify convicted legislators, yet loopholes persist for those under trial. According to the Association for Democratic Reforms (ADR), over 43% of Members of Parliament in 2019 had declared criminal cases, of which nearly 29% involved serious offences. These figures underline the erosion of public confidence in democratic institutions and justify the urgency of constitutional reform.

4. The 130th Amendment Bill, 2025: A Legislative Overview

The Bill mandates the removal of any Prime Minister, Chief Minister, or Minister (Union or State) who remains in judicial custody for more than 30 consecutive days on charges of serious criminal offences. Its objectives are threefold:

1. To ensure that governance is not compromised by individuals facing serious charges.
2. To reinforce the principle of public accountability and moral integrity.
3. To restore citizens' faith in the democratic process.

The amendment builds upon Articles 75(2) and 164(2), which enshrine the concept of collective responsibility of the Council of Ministers to the legislature. By integrating custodial disqualification within this framework, it strengthens the constitutional commitment to clean governance.

5. Constitutional and Legal Analysis

The Constitution of India provides multiple layers of accountability. While Articles 102 and 191 specify grounds for disqualification of legislators, the executive has historically enjoyed discretion. The proposed amendment curtails this discretion, aligning ministerial responsibility with ethical standards of conduct. However, constitutional experts have debated the potential misuse of such provisions for political vendetta. Therefore, safeguards such as judicial review and defined criteria for “serious offences” are essential to prevent abuse. This aligns with the Supreme Court’s jurisprudence in *Indira Nehru Gandhi v. Raj Narain* (1975), where constitutional morality was upheld as a fundamental democratic principle.

6. Comparative Perspectives: Lessons from Other Democracies

In the United Kingdom, the Ministerial Code mandates resignation upon criminal indictment to preserve the integrity of the Cabinet. Similarly, Canada and Australia enforce strict conventions requiring ministers to step down pending investigation. These precedents illustrate how ethical governance is embedded within democratic practice. By adopting similar measures, India would be aligning its constitutional culture with global standards of political integrity and democratic morality. The amendment could thus serve as a catalyst for transforming India’s political ethos.

7. Ethical Dimensions of Governance

Ethics in governance transcend legal compliance. They involve truthfulness, transparency, fairness, and empathy in the exercise of power. The 130th Amendment embodies the moral vision that leadership must be exemplary, not transactional. Dr. S. Radhakrishnan once noted that “politics without morality is like a ship without compass.” This moral compass is what constitutional morality seeks to restore through the amendment. The ethical obligation of ministers extends beyond personal probity; it is a duty to preserve the sanctity of public institutions. The public office is

a trust reposed by citizens, and the breach of this trust is tantamount to democratic betrayal.

8. Sociological Dimensions: Public Trust and Democratic Morality

From a sociological standpoint, the amendment represents a moral assertion of the people’s demand for clean politics. Public perception plays a pivotal role in legitimizing governance. When leaders accused of serious crimes continue in power, it leads to cynicism, apathy, and political alienation among citizens.

Sociologist Max Weber’s concept of “ethic of responsibility” emphasizes that political actors must balance power with moral accountability – a balance that the amendment seeks to institutionalize. Grassroots movements such as India Against Corruption (2011) and the subsequent emergence of civic platforms have demonstrated that public morality remains a potent force in shaping political reform. The amendment, therefore, resonates with the broader ethical awakening of Indian democracy.

9. Media, Technology, and Transparency

The media plays a dual role – as a watchdog and as an influencer of public perception. While media trials can distort due process, responsible journalism fosters transparency. In the digital era, e-governance tools and open data portals enhance accountability by allowing citizens to monitor government performance.

The integration of digital transparency mechanisms, such as real-time disclosure of criminal cases of elected representatives, can reinforce the goals of the 130th Amendment.

10. Challenges and Safeguards

1. While the amendment is progressive, its success depends on:
2. Clear legal definition of “serious offences.”
3. Judicial oversight over disqualification.
4. Safeguards against political misuse.

5. Alignment with due process under Article 21.

Without these checks, there is a risk of turning the amendment into a political weapon rather than a moral instrument. Constitutional morality demands that reforms be guided by justice, not expediency.

11. Discussion: Towards a Culture of Ethical Governance

The amendment signals a paradigm shift – from rule by power to rule by principle. It situates morality at the heart of constitutional governance. The real challenge lies in institutionalising these values across all levels of political and administrative structures. Educational reforms, civic education, and ethical leadership programs can foster this moral culture. As Ambedkar warned, “Constitutional morality is not a natural sentiment. It has to be cultivated.”

12. Conclusion

The 130th Amendment Bill, 2025 stands as a landmark in the continuing evolution of Indian democracy. It not only seeks to cleanse politics of corruption but also aims to reaffirm faith in the ethical and moral vision of the Constitution. If implemented with constitutional safeguards and guided by the spirit of fairness, the amendment could mark the beginning of a new era of ethical constitutionalism. The paper concludes that the true strength of a democracy lies not in its institutions alone, but in the moral integrity of its leaders and citizens alike. Political power divorced from morality breeds tyranny, while governance grounded in constitutional ethics ensures justice, liberty, and equality for all.

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