

# Ethics in Politics: The Gap Between Constitutional Morality and Political Practice

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## Abstract:

The very survival of democracy depends less on the text of the Constitution and more on the ethical commitment of the actors within the system. The Constitutional morality means relying upon the spirit of justice, liberty and democratic norms to determine the nature of political practice as per constitutional provisions. While the Constitution as fundamental law of the land provides the legal and ethical framework for an "ideal state", the practical application of power frequently necessitates the actual utilization of these principles. However, above are not happening which resulted to the lot many gaps, that gap is not merely a legal failure but an "Ethical one", the persisting gap between theoretical and practical use of ethics in politics. This article investigates the domain of widening divergence between foundational Constitutional values and contemporary political maneuvers, and to identify the specific institutional mechanisms that allow for the erosion of ethical norms under the guise of technicality.

**Key Words:** Ethics in politics, constitutional morality, governance, democratic institutions, Social Justice.

## 1. Introduction:

Ethics in politics refers to the moral principles that guide the conduct of political actors and institutions in the exercise of public power. In a democratic polity, political authority emanates from the people, thereby imposing a moral obligation on those who govern to act in the public interest. Likewise, the Indian Constitution embodies not merely a legal framework but also a vision of ethical governance. Despite this constitutional commitment, political practice in India frequently departs from ethical ideals. Issues such as corruption, criminalization of politics, erosion of institutional autonomy and declining public trust highlight a widening gap between constitutional morality and constitutional practice. This gap raises serious concerns regarding the ethical foundations of Indian democracy and emphasizing the need for a proper analysis of ethics in politics.

Greek philosopher Aristotle considered politics is an extension of ethics, he argued that the main aim of political organization is to promote the common good. He believed that "Ethical excellence is not a theoretical discovery but a practical achievement" (Aristotle, 1908). Aristotle illustrated that, like a Builder learns something by building monuments similarly humans become just by doing just acts (Aristotle, 2000). Hence, Ethics in politics involves the application of moral standards to the ground level political decision-making, and public administration. Therefore, political authority is inseparable from moral responsibility.

Another notable thinker Max Weber introduced a new aspect to show relation between two ethical dimensions the "ethics of conviction" and "ethics of responsibility". While the first one emphasizes that one should stick to the moral principles, the second one laid stress upon accountability for the consequences of any political action (Weber, 1919). Ethical politics, particularly in complex democracies, requires a balance between ethical objectives and practical solutions.

"Your belief that there is no connection between the means and the end is a great mistake... We reap exactly as we sow" said by M.K. Gandhi (Gandhi, 1909). Mahatma Gandhi further enriched the ideas of political ethics by explaining that ethical means are indispensable for achieving just ends. According to Gandhi, the legitimacy of social or political outcomes depends on the moral integrity of the methods employed in it. These perspectives of Gandhi collectively highlight that ethics is not irrelevant to politics but it is very important for its functioning.

Although the literature mentioned in this article is available on the topics like political ethics, corruption in public, reforms in governance, and constitutional values in India, but most of the scholars tends to examine these topics in isolation and not comprehensively. There was a need of comprehensive and interrelated study. Although many of the studies on corruption and criminalization of politics often focuses upon electoral data and facts only, while the research on constitutional morality primarily focuses upon judicial rulings. Similarly, institutional analysis of the Second Administrative Reforms Commission, the Election Commission of India, and parliamentary ethics Committee mainly look upon their structural and procedural functioning rather than their actual impact through political conduct over the society. What remains relatively underexplored area like, a proper integration of constitutional morality with contemporary political practice through an ethical means that connects theory, institutions, and the democratic practice. There are limited scholarly engagements with the structural gap between constitutional ideals and everyday political behavior as a unified analytical problem. Moreover, the relationship between ethics and politics is an important area to explore yet a vast scope of research still exists in that direction.

This article seeks to address that gap by offering a comprehensive and value based analysis of ethics in Indian politics. By examining constitutional morality alongside institutional mechanisms and political practice, the article contributes towards bridging the divide between philosophical pathways with the realities of actual governance. Rather than measuring ethical decline through statistical indicators, the paper seeks to analyse the conceptual and structural dimensions of the gap between constitutional morality and political practice.

## **2. Methodology:**

This research is primarily depended upon secondary sources, like provisions of the constitution, Constituent Assembly debates, judicial rulings related to constitutional morality, perspectives of political thinkers and institutional reports such as the Second Administrative Reforms Commission's report on Ethics in Governance. The publications of the Election Commission of India and the documents of parliamentary Ethics Committee helped in understanding the context in a better way. It will help to understand us, what are the gaps still persists in our society related to ethical politics? And, till what extent the actual ground work has been done in this aspect?

Methodologically, the paper combines three modes of inquiry. First, a "normative analysis" to examine the ethical principles present in constitutional philosophy and political theory. Second, an "institutional analysis" which evaluates the methods formulated to maintain ethical standards in the democratic governance. This study does not undertake any primary fieldwork or quantitative method and therefore does not claim any empirical generalisation. Its contribution lies instead in conceptual analysis of utilizing available data and structural criticism. This approach enables a deeper understanding of how ethical principles interact with political practice and the political institutions within the Indian democratic framework. This article mainly tries to integrate the ethical principles with actual political practice by highlighting the existing gaps and giving necessary suggestions.

### **3. Constitutional Morality and the Ethical Framework:**

According to Dr. B.R. Ambedkar the concept of constitutional morality forms the ethical foundation of Indian political system. The Constitutional morality can be explained as the respect for the spirit and values of the Indian constitution rather than mere adhering to its textual provisions only. It demands commitment towards relying upon democratic values and the protection of individual rights. The provisions of Indian constitution like Fundamental Rights and Directive Principles of State Policy establishes ethical obligations for the state and the political actors of the state. Constitutional morality thus serves towards guiding the political behavior in accordance with the ideals of constitution.

The Supreme Court of India has repeatedly reinforced this principle, particularly in judgments like *Navtej Singh Johar vs. Union of India*, 2018, where constitutional morality was enforced by judiciary to protect the individual rights and democratic values. Such judicial interpretations assure the importance of constitutional morality in guiding the political practice.

#### **3.1 Institutional Mechanisms for Ethical Governance:**

By recognizing ethical challenges in public life, Indian state has developed certain institutional mechanisms which aim to promote ethical conduct in politics and governance. The Second Administrative Reforms Commission (2007), in its report titled "Ethics in Governance", identified ethical deficits in public administration and political life as a major challenge to the good governance. The Commission emphasized integrity, transparency, accountability and citizen-centric governance as the essential components to establish a political system which will be ethical in nature. It also highlighted the need for enforceable Codes of Conduct and value-based leadership which are imperatives for ethical political system.

The "Ethics Committee of Parliament" plays a crucial role in regulating the conduct of legislators in our country; it works as a guiding compass for the law makers, to keep them in a constitutional limit. It examines the cases of unethical behaviour of the legislators and recommends appropriate action, thereby reinforcing ethical or moral standards in legislative functioning. Although their effectiveness depends on the political will with respect to its implementation, still they represent an important institutional effort in order to uphold integrity in the public office.

In India the Election Commission of India (ECI) serves as a constitutional guardian of electoral ethics. It ensures that through the tools like Model Code of Conduct during elections, where the ECI seeks to ensure free, fair and ethical elections. Its interventions aim to curb the misuse of money and muscle power, during the entire electoral processes. While challenges remains in its enforcement in contemporary time pose serious questions like- Does the ECI works in a Fair manner? Is there a level playing field for all the parties during elections? How far the role of ECI is important for maintaining the moral and ethical legitimacy of democratic competition i.e. Elections?

#### **3.2 Ethics and Political Practice in India:**

Despite above mentioned constitutional and institutional safeguards, the actual political practices often reveal the persisting significant ethical issues. One of the most important concerns regarding political ethics is the Criminalisation of Politics. As per the "Association for Democratic Reforms" studies significant number of elected representatives face severe criminal charges. For instance, 34% of the elected representatives faced charges in 2014, which steadily increased in 2019 Lok Sabha election and became 43%, where as in 2024 Lok Sabha election the number further increased to 46%. This consistent increase in number of cases raises the questions about moral accountability and legitimacy of democratic processes. Below the data of MPs having criminal records is given, which published by Association of democratic Reforms and National Election Watch.

In contemporary times the electoral practices adopted by different political parties also pose ethical dilemmas. Like the issues related to opaque political financing, buying and selling of votes, misinformation and hate speeches undermines the ethical foundations of electoral democracy. Although regulatory frameworks exist in paper, but the ethical considerations are frequently ignored during actual political conducts. Additionally, the perceived politicization of autonomous political institutions further weakens the public confidence and harms the democracy. When institutions meant to uphold constitutional morality appeared compromised, then the ethical principles of democracy is seemed to be eroded. This trend in contemporary times suggests that the ethical challenges in politics are more of a systematic in nature than incidental.

### **3.3 Gap between Constitutional Ideals and Political Practice:**

The gap between Constitutional morality and Political practice can be seen easily in our society. At times the violation of ethics and constitutional ideals becomes a normal political practice. The intense competition among political parties for gaining power further made it more frequent. In fact, during election years the incidents of unethical practices becomes most followed method to gain publicity. Secondly, the lack of internal democracy among political parties further aggravated the condition and allowed people to opt of immoral and unethical means to secure maximum political gains. It compromises the efficiency of Political decisions and creates dissent among masses. The 'iron law of oligarchy' suggests that without strict internal checks, the leadership becomes a self-serving elite, distanced from rank & file membership" (Michels, 1911).

Moreover, when such practices changes into new social norms and received social acceptance, it may cause greater damage to the whole of Political System. The basic idea behind developing a sound political system is to ensure public welfare largely, but due to unethical practices the whole idea got suffered. It is said that, when corruption and misuse of political power becomes normalised, the ethical violations in Politics takes a back seat to get noticed and resisted by the society.

Indian Constitution is designed to protect every section of society and providing special protection to the minorities from the 'tyranny of majority'. However in contemporary times the political parties majorly getting focused upon Politics of populism, where the Political parties or

Leaders try to appease a specific community; it may be by attacking over other community interest or by providing special facilities which will be community specific.

The constitutional frameworks of Parliamentary scrutiny or judicial check were bypassed at times in the name of larger welfare activity. As Dr. B.R. Ambedkar cautioned, Constitutional morality must be cultivated among both Political leaders and citizens, otherwise, Constitutional values risk remaining aspirational rather than operational. "Constitution is not a mere lawyers' document, it is a Vehicle of Life, and its spirit is always the spirit of age". (B.R. Ambedkar, Grammar of Anarchy Speech in the Constituent Assembly, 25th Nov 1949).

### **4. Why does the Gap persist in Indian Context?**

Today, the Indian politics became highly competitive market, where each tries very hard to gain maximum popularity by any means (Ethical or Unethical). In such scenario, if any individual or group tries to follow the ethical pathway, bears the brunt of loss in Political Power Struggle it might be called as "The Cost of Integrity" which one have to bear who do not use dirty tactics in Politics. Hence, it becomes a difficult task for anyone to follow highest ethical standards and simultaneously secure Political power, so majority of parties tends to opt for the easy path.

The institutional mechanism available to ensure high level of ethical standards in Indian political field, but it has been witnessed, when these organizations failed to ensure ethics in Politics. There is large faith among the institutions also seen to be declined.

The Election Commission of India for instance has faced increasing allegations and resulted litigations regarding the conduct of elections and transparency in methods. Traditionally member and of their appointment process was dominated by ruling party. This process questioned the integrity of Election Commission of India. And finally, the Supreme Court of India stepped in and directed to establish a Selection committee for the appointment of Chief Election Commissioner and Election Commissioner (Anoop Barnwal vs. Union of India, 2023). The Selection Committee consisted Chief Justice of India, Opposition Leader and Prime Minister. With such steps Judiciary could bridge the gap of Constitutional Ethics and Political practice.

#### **4.1 Why Ethics in Politics is indispensable?**

Ethics in Politics is essential for ensuring social justice, public trust, democratic stability and the good governance. The very purpose of politics i.e. allocation of resources of rights in an equal manner will only get served by adding ethics in it. The ethical principle allows the decision maker to not fall for any "Slippery Slope", rather stay strong in difficult times. The Politics along with the State gets suffered due to lacking the ethical values in it.

The Public administration will also move on the line of greater good, and the aim of establishing a 'Just Society' will get achieved. In contemporary world the word "Politics" itself presumed as a negative concept, what we use in our daily life. It is not because of its characteristics but due to absence of ethical values in contemporary politics. We must not forget that India's independence could get achieved with the maximum contribution of political leaders only, so, it should not be considered as some negative concept. Need of the time is to include the ethical principle in Politics by letter and spirit.

It must be visible in the Political practice which will eventually reflect through the concepts like good governance and public welfare. The ethical leadership promotes a transparent, accountable and responsive government; these are the key elements of effective governance. These characteristics will restore and enhance the Public trust over the Political system. The efficient government and responsible citizen both are complementary to each other. It is believed that, rule based on Public opinion creates a conducive environment to build a healthy relationship between government and governed. The ethics in Politics helps in creating a standardized government and efficient governance with higher cooperation from the citizens.

The U.K. committee on "Standards in Public Life" headed by Lord Nolan, argued that ethical principles must be actively demonstrated, not just spoken. When a party lacks internal democracy, it violates "Objectivity" and "Openness" by default. The first report highlighted The Seven Principles of Public Life Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

#### **4.2 Lord Nolan, 1995- First report of the Committee on Standards in Public Life (UK Government).**

In politics, if any of the above principles found to be missing it can lead to unethical outcomes. Like in the absence of 'objectivity' the Politics may suffer from biasness, nepotism, prejudices, etc which will reduce the credibility of Politics and decision making. At times the allegations have been made towards practice of "Dynastic Politics", which could be harmful for society and may results in corruption and inefficiency. Similarly, in the absence of transparency or accountability people began to lose faith in politics. Even it can be July Revolution or Gen-Z Revolution, 2024 of Bangladesh was purely a public

reaction against the irregularities and opaqueness in the administration. It is said, if a leader preaches transparency for the country, but runs the administration like a private club is liable to face public outrage hence another principle i.e. "Leadership" becomes imperative for stable yet ethical governance. Hence, the politics should adhere itself with the seven Nolan Principles to ensure efficient governance.

### **5. Ethical Governance and Development:**

Being ethical isn't just about "being nice" it is actually necessary for developing the country successfully. When the government behaves ethically, the country grows faster and inclusively, resulted in making the lives of people better. For an efficient working and development of a nation, the Policy making as well as implementation have to be ethical in nature. An unethical government will lead to corruption, income inequality, marginalisation of weaker section and wastage of State's resources.

During a visit to the drought hit region of Kalahandi, Odisha in 1985, Former Prime Minister of India Shree Rajiv Gandhi stated, "Out of every 1 rupee spent by the government for the upliftment of downtrodden section of Indian society, only 15 paise actually reaches to the ground level i.e. intended beneficiary". This statement and admission of political corruption became a cornerstone in Indian Political discourse. Such high administrative inefficiency shows the disastrous implications due to unethical political practices. The associated problems like-economic inequality, wealth concentration, destitution, etc persists in Indian society, mainly because of such immoral, unethical or inhuman administrative actions.

The People, who actually deserves the govt. financial support, are suffering not due to lack of Policies but deficiency of ethical governance. The Supreme Court viewed the necessity of the digitization of money transfer (Supreme Court, Adhaar case, 2017). With the introduction of Direct Benefit Transfer (DBT) through Adhaar fed, government was making the transfer of funds digitally, reducing the scope of Bureaucratic Corruption. The step is viewed as a major initiative towards ensuring ethical governance, which eventually benefits the targeted section without any Policy leakage.

Ethical governance ensures optimal utilization of Public resources by which the maximum benefit can be obtained in terms of larger public welfare. The resources available are limited; hence it becomes imperative for the government to use it in a best possible manner. The benefits must be shared among all without any biasness; ethical governance will help to ensure the goal of optimal utilization, without wastage of available resources. If the officials of government are ethical and honest they will move to ensure, getting maximum benefit out of available resources alongside its equitable distribution and even found any leakage the honest officials will try to lead it further.

Secondly, they also design the policies to help everyone equally ensuring that Poor and Vulnerable people gets the same opportunities as the wealthy sections. But the unethical governance will create holes or use the available loopholes to use the resources for themselves or for their closed ones. The rules are twisted or even made in such a manner to help only the rich or powerful sections of the society. The unethical governance will make the wastage of resources in two ways- first by giving more and more resources to the few ones i.e. resource concentration, second by keeping the Poor and destitute in the same condition, not providing adequate resources or keeping them in a condition of Status-quo.

While most people struggled with inflation around the world, few of the wealthy people gained billions every single day since 2020, (Oxfam report 2023-2024). This incident didn't happen automatically by itself, but due to "Weakening of democratic oversight". It happens when the democratic watchdogs like media, voters, regulatory bodies etc does not stick to ethical governance. The accountability of the govt. disappears and they begin to serve selectively.

### **5.1 Second ARC on Ethical Governance:**

The Second Administrative Reforms Commission (ARC) in its landmark report on Ethics in Governance, 2007, provided a comprehensive analysis of ethical challenges faced by Indian Society. The report also highlighted the necessary measures which have to be undertaken by the State. Some of the major challenges identified in the report were, Prevalence of corruption, lack of transparency, erosion of accountability and declining of Public trust are the symptoms of ethical failure in governance. These challenges with time gets deeply rooted stronghold in the administration and poses challenges in every field of governance. Here the people becomes victims of such unethical actions, the very fundamental of good governance suffers and results in creating an unjust society.

The ARC gave more emphasis upon, how ethical governance can be achieved? The report mentioned that, the 'legal regulation' or the formal rules, like Prevention of Corruption Act, 1988 and associated punishments alone cannot ensure ethical practice. It is mainly because the laws will be enforced only after the wrong has been done i.e. which is curative in nature. It provides scope to practice unethical acts thereafter consequences can be faced. Rules can lead to numerous formalities, where an official follows the rules but not the spirit behind it. Even the present loopholes are misused by the officials, which all together reduces the efficiency of legal regulations.

However the report indicated that combination legal regulation along with institutionalization of Ethics will comprehensively promote the ethical governance. The report highlighted that the ethical values should be embedded inside the government organizations. These values will create a conducive environment which helps to develop the ethical attitude among the government officials. It means the ethical values should be "internalized" rather than imposing it externally, only through written rules, and then only it will become a natural part of an official's character and the organizational culture.

ARC report also provided "Code of Ethics", since the "Code of Conduct lists what one shouldn't do, i.e. Prohibitory in nature, but the Code of Ethics is positive in nature and works as a guide to make decision based on integrity, impartiality and empathy.

Also, the report suggested formation of independent bodies to oversight the ethical conduct like Lokpal at the centre and Lokayukta at the State. Other tools like whistleblower protections and working transparency through RTI, altogether inculcate the ethical values in the governance. The RTI tool should be used in a balanced manner like to ensure transparency without compromising the national security or individual's Privacy. It is believed that if the top ministers and senior officers model these values as their official behaviour and conduct then it will set a tone for the entire institution to follow the same value without any slippery slope. The significant contribution of the ARC report lies in the recognizing the decline of ethical values in the Indian Politics. The Political leadership fails to uphold ethical standards; it creates a system of compromised bureaucratic neutrality and deficient professionalism. Thus, the ethical quality of Politics and governance are deeply interconnected.

### **6. Conclusion**

The political actors start to prefer the interpretation of laws over the implied "constitutional morality" when political polarization grows over time, which erodes democratic legitimacy.

The real ethical behavior of political players in modern Indian democracy differs greatly from constitutional morality. The political leadership with possession of ethical values and integrity of plays a purposeful role in constricting the interlude between constitutional ideals and political practice. Ethics in Politics is essential which create the sense of faith of common people over its working. While the Indian Constitution provides a strong ethical framework with the concept of Constitutional morality in many of its provisions, but the political practices are often found to be defiant of these ideals. There has been a

chasm found in constitutional morality and political practice, which gets profound as it progressed with time and pose conundrum before the State to put in place ethical governance based administration. In order to establish a just society, addressing this gap is necessary within a stipulated timeframe or else there will be a great destruction of democratic values with the erosion of public trust in the political institution.

According to Mahatma Gandhi 'the political office should be considered as a "trust," and the people will be its trustees'; so act upon such ideas will prevent the unethical acts. His idea of Sarvodaya focused upon welfare of all or Antyodaya i.e specially the development of poorest is the ultimate goals of the Indian constitution will possible if narrow down the gap between political practice and constitutional morality. Hence by reinforcing the constitutional values and strengthening ethical institutions in India can make the governance citizen friendly. Nonetheless, "a constitutionally moral State" cannot exist without "constitutionally moral citizens it means the responsibility lies with both of the stakeholders, if any one shows ignorance then the constitutional morality will not succeed.

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