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Responsibility Without Fault: What Ministerial Accountability Owes the Citizen

THE HINDU

27 July 2026 ·

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CURATED & WRITTEN BY

**Bharat Choudhary**

UPSC Educator & Content Creator

[in linkedin.com/in/epicbharat](https://www.linkedin.com/in/epicbharat)

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Responsibility Without Fault: What Ministerial Accountability Owes the Citizen

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INTERVIEW ANGLE

"Should a minister resign for a failure he did not personally cause, and does resigning under public pressure carry the same moral weight as resigning on conscience?"

✓ Every fact web-verified against primary sources

THE LIFT LINE

In November 1956 a Railway Minister resigned after a derailment he had not caused, because he held ultimate authority over the system that failed. In July 2026 an Education Minister resigned after an examination collapse, but only after a sustained agitation had made the position untenable. The op-ed of July 27, 2026 by C. Aryama Sundaram, Senior Advocate in the Supreme Court of India, argues that the distance between those two resignations is the distance Indian public life has travelled. That distance is the whole of GS Paper 4 compressed into a single case, and the constitutional machinery around it is the whole of GS Paper 2.

WHY THIS EDITORIAL MATTERS FOR YOUR EXAM

This piece is unusually well suited to Ethics, because it turns a live political event into the classical distinction between legal liability and moral responsibility, and it does so through doctrines the Polity syllabus already requires you to know.

GS Paper 2: Structure, organisation and functioning of the executive; the parliamentary system and the doctrine of ministerial responsibility; separation of powers; fundamental rights and the test of reasonable restrictions; the role of the judiciary in protecting civil liberties; accountability mechanisms and citizens' charters.

GS Paper 4: Accountability and responsibility as foundational values in governance; the distinction between moral and legal responsibility; public office as a trust; probity in governance; courage of conviction in public life; institutional integrity; the ethics of dissent and of the State's response to it.

Prelims angle: Articles 75(1), 75(2) and 75(3); Article 164(1) and 164(2); Article 19(1)(a), 19(1)(b) and the grounds enumerated in 19(2) and 19(3); Article 21; *Anuradha Bhasin v. Union of India* (2020); *Amit Sahni v. Commissioner of Police* (2020); *Ramlila Maidan Incident, In re* (2012); the Telecommunications (Temporary Suspension of Services) Rules, 2024; the Public Examinations (Prevention of Unfair Means) Act, 2024.

Mains angle: whether individual ministerial responsibility survives as a live convention in India and whether it should be codified, and how the right to protest is to be balanced against public order without hollowing out either.

BACKGROUND AND CONTEXT

The Constitutional Text and Its Silence

The Indian Constitution is explicit about collective responsibility and silent about individual responsibility.

Article 75(1) provides that the Prime Minister is appointed by the President and other Ministers are appointed by the President on the Prime Minister's advice. **Article 75(2)** provides that Ministers hold office during the pleasure of the President, which in practice means at the Prime Minister's discretion. **Article 75(3)** provides that the Council of Ministers shall be collectively responsible to the House of the People. **Article 164(1) and (2)** reproduce this architecture for the States.

What the text does not contain is any provision that a Minister must answer personally for the failures of his department. **Individual ministerial responsibility is a convention inherited from the Westminster system and never written into the Constitution.** It is enforced, when it is enforced at all, by political pressure, parliamentary opinion and the individual conscience of the office-holder. That is precisely why its erosion is invisible to a court and visible only in public life, and why an editorial rather than a judgment is the natural place to notice it.

The Indian Precedents

The canonical Indian instance is **Lal Bahadur Shastri**. After the Ariyalur railway accident in Madras State on **November 23, 1956**, in which 144 people died, Shastri resigned as Union Minister for Railways and Transport. He had tendered a resignation earlier in the same year after the Mahbubnagar accident of August 1956, which Jawaharlal Nehru declined to accept. The precedent is remembered because no one suggested that Shastri had personally caused either derailment; he resigned as the holder of ultimate authority over the system that failed. **Madhavrao Scindia** later resigned as Union Civil Aviation Minister in 1993, owning moral responsibility for an aviation accident.

The 2026 Episode

The NEET (UG) examination of **May 3, 2026**, taken by more than 20 lakh candidates, was cancelled by the National Testing Agency (NTA) on **May 12, 2026** after investigating agencies reported leakage, and a retest was conducted on **June 21, 2026**. A sustained sit-in ran at Jantar Mantar in New Delhi from **June 20**,

2026. The Union Education Minister, Dharmendra Pradhan, resigned on **July 25, 2026**. **Pralhad Joshi** was given charge of the Education Ministry on July 25 and took over on **July 26, 2026**, retaining his existing portfolios rather than moving ministries.

PARAMETER	CONSTITUTIONAL OR FACTUAL POSITION
Appointment of Ministers	Article 75(1) at the Union; Article 164(1) in the States
Tenure of Ministers	Article 75(2), during the pleasure of the President
Collective responsibility	Article 75(3) at the Union; Article 164(2) in the States
Individual responsibility	Convention only; no express constitutional provision
Canonical precedent	Shastri's resignation after Ariyalur, November 23, 1956
Later precedent	Scindia as Union Civil Aviation Minister, 1993
Speech and assembly	Articles 19(1)(a) and 19(1)(b)
Permissible limits	Article 19(2) and Article 19(3), reasonable restrictions
Internet suspension framework	Telecommunications (Temporary Suspension of Services) Rules, 2024
Governing test on shutdowns	Proportionality, <i>Anuradha Bhasin</i> , January 10, 2020

THE CORE ARGUMENT / ISSUE

The Author's Central Contrast

The author's argument is built on a single comparison. A Railway Minister of an earlier generation would resign following a terrible railway accident, not because he was personally negligent, but because he took responsibility as the ultimate authority. That sense of honour, self-respect and decency, he contends, has been lost in today's politics and displaced by the trappings of office: cars with red lights, a house in Lutyens' Delhi, and what he calls a false sense of aggrandisement.

His conclusion follows directly. The resignation of an Education Minister should have been immediate following the NEET (UG) catastrophe. That it instead required a protest of great magnitude to make the government perform its duty is, on his reading, the indictment. Note the precise form of the claim: it is not that the minister leaked the paper, but that he occupied the office in which the duty to prevent the leak ultimately vested.

The Citizen as Master, Not Petitioner

The author frames the outcome as the rediscovery of a basic constitutional relation. A government that had, in his characterisation, grown to behave as though it were above the people discovered that when you suppress the people, they remain the masters and government functionaries are their servants.

This is not merely rhetorical. It is the doctrine of **popular sovereignty**, expressed in the opening words of the Preamble, “We, the people of India”, and it is the reason public office is treated in ethics as a **trust** rather than as property. A trustee does not own the office; he holds it for a beneficiary and is answerable to that beneficiary for how it is used. Once office is treated as property, resignation becomes a loss to be resisted rather than a duty to be discharged, which is exactly the transformation the author is describing.

Fear, and Why the Author Treats It as the Real Subject

On the author’s own framing, the piece is about people rising against authoritarianism and against the threat of **reprisal** for those who protest. He describes a climate in which citizens fear being planted with drugs or facing false charges and being incarcerated without bail, in the belief that a pliant judicial system would turn away from injustice.

These are the author’s characterisations and contentions, not established findings, and must be attributed as such in any answer. Their value for the exam lies in the concept they identify: the **chilling effect**, where a right formally survives on paper but goes unexercised because the anticipated cost of exercising it is too high. A chilling effect is constitutionally significant precisely because it produces no litigation. The citizen who is deterred never files a case, so the deprivation is invisible to the very institution designed to remedy it.

He also records that the young rose as one, with no religious or other artificial divides, credits them with courage their elders lacked, and addresses them directly with the line “You are not cockroaches”. He describes himself as apolitical, judging each issue on its own right or wrong regardless of which side is to blame, and ends hoping the swing against authoritarianism succeeds.

What the Law Actually Permits

The constitutional position is considerably more structured than either side of the political argument suggests, and this is where marks are earned.

The right. Peaceful protest is protected by **Article 19(1)(a)**, freedom of speech and expression, read with **Article 19(1)(b)**, the right to assemble peaceably and without arms. The qualifier “peaceably and without arms” is part of the right itself, not an external restriction.

The limits. **Article 19(2)** permits reasonable restrictions on speech in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to **contempt of court**, defamation or incitement to an offence. **Article 19(3)** permits reasonable restrictions on assembly in the interests of the sovereignty and integrity of India or public order.

Note the **asymmetry**: the grounds for restricting assembly are narrower than those for restricting speech. A restriction must be reasonable, and reasonableness is tested substantively, not merely by reciting a permitted ground.

QUESTION	SETTLED POSITION
Is protest a fundamental right?	Yes, under Articles 19(1)(a) and 19(1)(b), assembly being peaceable and without arms
Can it be restricted?	Yes, but only by reasonable restrictions on the grounds enumerated in Articles 19(2) and 19(3)
Can public ways be occupied indefinitely?	No. <i>Amit Sahni v. Commissioner of Police</i> , October 7, 2020, held that the right to protest cannot render others' rights subservient, and that protest belongs in designated areas rather than in indefinite occupation of public roads
Can police act at midnight against a sleeping assembly?	<i>Ramlila Maidan Incident, In re</i> , February 23, 2012, examined midnight police action taken after permission was withdrawn, and apportioned negligence between the State and the organisers in a 3:1 ratio
Can the internet be suspended?	Yes, but only on the proportionality test in <i>Anuradha Bhasin v. Union of India</i> , January 10, 2020: orders must be temporary, reasoned, published, necessary, the least restrictive means, and subject to periodic review

On shutdowns specifically. *Anuradha Bhasin* held that freedom of speech and expression and the freedom to practise a profession or carry on trade over the internet enjoy constitutional protection under Articles 19(1)(a) and 19(1)(g), applied the proportionality standard, and held that an indefinite suspension is impermissible and that suspension orders must be published so that they can be challenged. The operative subordinate legislation is now the **Telecommunications (Temporary Suspension of Services) Rules, 2024**, notified on November 22, 2024 under the Telecommunications Act, 2023, which replaced the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017 that were framed under the Indian Telegraph Act, 1885. Candidates who still cite only the 2017 Rules are citing a superseded framework, though the *Anuradha Bhasin* proportionality reasoning continues to govern.

Moral Responsibility Versus Legal Liability

This is the distinction Ethics papers test directly, and it is worth stating with precision.

	LEGAL LIABILITY	MORAL RESPONSIBILITY IN PUBLIC OFFICE
Trigger	Causation plus fault	Authority over the failed system
Proof required	Evidence to a legal standard	None; the office itself is the link
Forum	Court or tribunal	Parliament, the press, the conscience
Remedy	Punishment or compensation	Resignation, candour, repair
Speed	Slow	Can operate within a day

A minister does not print question papers. He holds the office in which the duty to ensure that they are printed and transported securely ultimately vests. Shastri's resignation is remembered precisely because it decoupled the two: he accepted the second without any suggestion of the first.

HOW TO THINK ABOUT THIS (ANALYTICAL FRAME)

Use the **Four-Question Test of Ministerial Responsibility**. It works for any accountability question, from a railway accident to an examination leak to a government data breach.

- 1 Was the failure systemic or individual?** A systemic failure within a portfolio engages political responsibility even where personal fault is entirely absent. Individual misconduct engages legal liability in addition.
- 2 Did the minister know, or should he have known?** Prior warnings, audit findings and earlier leaks convert a defensible failure into a culpable one, because the duty is to act on notice. This is the question that most often decides the case.
- 3 What was the response after the failure?** Ethics judges conduct after the event at least as strictly as the event itself. Was there candour, prompt repair and remedy for those harmed, or was there deflection and the attribution of motive to critics?
- 4 Does the resignation repair anything?** A resignation that changes no process is symbolic. A resignation that forces institutional redesign is accountability. Ask what the successor is obliged to do differently.

The counter-case, stated at its strongest. This must be argued honestly before it is answered.

- A minister is genuinely not culpable for an examination agency's operational failure. Treating him as though he were misidentifies the fault and can substitute for the harder work of fixing the agency; the resignation may even discharge the public pressure that reform requires.
- If resignation follows from agitation rather than from process, the incentive structure shifts towards whoever can mobilise most effectively, which is not the same as whoever has the most just grievance. Parliament is weakened when accountability relocates to the street, and minorities

without mobilising capacity lose most.

- Maintaining public order around an assembly of very large numbers is genuinely difficult. The constitutional standard on the State is proportionality, not passivity, and *Amit Sahni* establishes that indefinite occupation of public space is not a protected mode of protest. Police discretion in a fast-moving situation cannot be assessed as though it were exercised in a library.
- Judicially supervised remedies existed. The Public Examinations (Prevention of Unfair Means) Act, 2024 was in force, an investigation had been ordered, and the *Anuradha Bhasin* framework permits any citizen to challenge a communication restriction.

Resolution. The counter-case is right that a resignation is not a remedy, and wrong that it is therefore worthless. Individual ministerial responsibility is best understood as a **signalling device**: it tells the citizen where the buck stops, and its erosion is what leaves protest as the only legible channel of accountability. So the analytical position is deliberately double-edged. The convention should be revived, because its absence pushes accountability into the street; and its revival is insufficient on its own, because a resignation that leaves the examination architecture untouched has bought symbolism at the price of reform. The right test of this episode is not the resignation but what changes in the chain of custody, the **statutory** identity of the testing agency, and the remedy available to an aggrieved candidate.

On civil liberties the resolution is cleaner. The genuine difficulty of policing a large protest justifies regulation of time, place and manner, and it does not justify measures that fail the proportionality test. The constitutional standard does not relax as the crowd grows; if anything, the obligation to act with published reasons and reviewable orders increases, because the number of rights affected increases.

THE DIAGRAM IN WORDS

Picture two columns holding up a single roof. The **left column is legal accountability**: statutes, investigation, prosecution and **judicial review**, each requiring proof of fault, each moving slowly, each producing a finding that binds. The **right column is political and moral accountability**: parliamentary answerability, the convention of resignation, and the office-holder's ethical duty to own what happens under his authority, requiring no proof of fault and capable of moving within a day. The **roof is public trust**. Remove the right column and the entire weight of the roof shifts onto the left column, which was never designed to bear it alone. The roof does not collapse immediately; it sags. And citizens who feel it sagging above their heads go looking for a prop of their own. Mass protest is that improvised prop: effective, unbudgeted, load-bearing for as long as people are willing to stand there, and no substitute for a column. The constitutional task is to rebuild the right column so that the prop is not needed.

WAY FORWARD

- **Codify answerability without codifying resignation.** A statutory or House-adopted code requiring a minister to make a statement to Parliament within a fixed period of any major failure in the portfolio, setting out what went wrong, what is being repaired and who is accountable, would restore answerability without making resignation a reflex that can be extracted by whoever mobilises hardest.
- **Separate operational from political accountability in law.** Examination and regulatory bodies should carry named statutory officers with defined statutory duties, so that operational failure has an identifiable operational owner and the minister is not the only available target. This directly answers the strongest version of the counter-case.
- **Give the testing agency a statutory foundation.** A body whose decisions determine the life chances of more than 20 lakh candidates should rest on its own statute, with defined duties, published performance standards and a compensation obligation, rather than on the legal form of a registered society.
- **Make communication restrictions verifiably proportionate.** Every suspension order under the Telecommunications (Temporary Suspension of Services) Rules, 2024 should be published with reasons, be strictly time-limited, and be placed before a review committee whose findings are themselves published, as the reasoning in *Anuradha Bhasin* requires.
- **Adopt and publish crowd-management standard operating procedures.** Clear rules on permissible force, the equipment that may be deployed, mandatory medical presence, the treatment of detained persons and independent post-event review protect the protester, the police officer and the State's own legitimacy in equal measure.
- **Designate and equip usable protest spaces.** *Amit Sahni* requires designated areas; the State's corresponding obligation is to designate spaces that are genuinely visible and accessible rather than remote, so that the right retains practical meaning rather than being relocated into invisibility.
- **Deliver the remedy the grievance was about.** Compensation for those harmed and a credible, audited redesign of examination security are what convert an episode of protest into institutional learning. Without them, the next failure will simply produce the next agitation.

PYQ LINKAGE AND PRACTICE

UPSC's engagement with this terrain is long-standing. GS Paper 4, 2019: "What do you understand by 'probity' in public life? What are the difficulties in practicing it in the present times? Suggest measures to overcome these difficulties." GS Paper 4, 2018: "'In looking for people to hire, you look for three qualities: integrity, intelligence and energy. And if they do not have the first, the other two will kill you.' What do you

understand by this statement in the present-day scenario?” GS Paper 4 has repeatedly tested conflict of interest, accountability in public service, and the distinction between what is legally permissible and what is ethically required, all of which map directly onto the ownership-of-office argument here.

On the Polity side, GS Paper 2 has asked about the discretionary powers and accountability of the executive, about the role of civil society organisations in governance (2018), and about the balance between fundamental rights and reasonable restrictions. The right to protest, the proportionality standard and internet shutdowns are recurrent Prelims and Mains targets, and *Anuradha Bhasin* is among the most frequently cited recent judgments in answer scripts.

Practice question: “Individual ministerial responsibility is a convention rather than a constitutional command in India, and its erosion has consequences for how citizens seek accountability. Critically examine, with reference to recent instances, whether this convention should be codified.” (250 words)

Interview angle: Should a minister resign for a failure he did not personally cause, and does resigning under public pressure carry the same moral weight as resigning on conscience?

Sources: The Hindu, PIB

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CURATED & WRITTEN BY

Bharat Choudhary

UPSC Educator & Content Creator

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