

Constitutional Morality

Constitutional morality is the doctrine that mandates strict adherence to the core principles and values enshrined in the Constitution (such as justice, liberty, equality, and fraternity) and ensuring that laws, governance, and judicial decisions align with its ethical spirit, even if it goes against popular or social morality.

Dr. B.R. Ambedkar emphasized its necessity for the peaceful and democratic functioning of a diverse society, where it acts as a guiding force for social transformation and prevents the subversion of constitutional principles by those in power.

Exam Oriented Highlights

- **Difference from Social Morality:** Social morality is based on subjective, often regressive, customs, traditions, or majority opinions (e.g., caste discrimination, gender bias). Constitutional morality, in contrast, is based on rational, rights-based, and egalitarian constitutional values and must prevail over social morality when they conflict.
- **Role of Judiciary:** The Supreme Court acts as the custodian of constitutional morality, using it as a guiding principle for interpreting laws and protecting fundamental rights, especially of minorities and marginalized groups.
- **Significance for Governance:** It provides an ethical framework for public servants, ensuring that their actions are guided by constitutional values, the rule of law, and accountability, rather than personal bias or political pressure.

Contemporary Examples from Supreme Court Judgments

Following contemporary Supreme Court judgments illustrate the application of constitutional morality:

- **Naz Foundation v. Government of NCT (2009):** This case began the dialogue by distinguishing constitutional morality from public morality, asserting that constitutional values should take precedence.
- **Manoj Narula v. Union of India (2014):** The court defined constitutional morality as "bowing down to constitutional norms" and ensuring governance is free from arbitrariness. It was used to argue against individuals with criminal backgrounds holding public office, emphasizing the unwritten duties of public officers.

- **Justice K.S. Puttaswamy v. Union of India (Right to Privacy Case, 2017):** The ruling declared the right to privacy a fundamental right, emphasizing the protection of individual rights and dignity.
- **Navtej Singh Johar v. Union of India (2018):** The Court prioritized constitutional values like dignity and equality over social morality in decriminalizing consensual same-sex relations.
- **Indian Young Lawyers Association v. State of Kerala (Sabarimala Case, 2018):** The Court held that excluding women from the temple violated equality and that "public morality" must yield to constitutional morality.
- **Joseph Shine v. Union of India (2018):** The Court struck down Section 497 of the IPC, reinforcing gender equality and personal autonomy.
- **NCT of Delhi v. Union of India (2018):** The court held that constitutional morality goes beyond a literal reading of the text. It promotes cooperative federalism and the respect for institutions, requiring governance to rest on trust, accommodation, and adherence to constitutional values.

In Essence

- Protects fundamental rights against majoritarianism and regressive norms.
- Ensures accountability of government and institutions to constitutional principles.
- Facilitates social transformation through progressive judicial interpretations.
- Strengthens democracy by promoting justice, equality, and fraternity.

Examples in Everyday Governance (GS Paper 4 Context)

Constitutional morality guides public servants to ensure welfare schemes reach all citizens without discrimination. It mandates upholding constitutional principles even under pressure to enforce local customs that infringe on rights and requires accepting court verdicts to maintain the rule of law.

Constitutional morality is essential for ensuring that state actions are just, equitable, and align with the foundational ideals of Indian democracy.

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