Polity & Governance · GS - II

‘Constitutional Morality’ is rooted in the Constitution itself and is founded on its essential facets. Explain the doctrine of ‘Constitutional Morality’ with the help of relevant judicial decisions.

EXAM YEAR	PAPER	SUBJECT
2021	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Constitutional values, supremacy of the Constitution, rule of law, liberty, equality, fraternity, constitutionalism, judicial interpretation, Kesavananda Bharati case, Government of NCT of Delhi case, Navtej Singh Johar case, Sabarimala judgment.

Model Answer

Introduction

Constitutional morality means adherence to the values, principles and procedures enshrined in the Constitution, even when they conflict with prevailing social attitudes or political preferences.

Essential Facets

- **Constitutional supremacy:** All institutions must function within constitutional limits.
- **Fundamental values:** Liberty, equality, dignity, fraternity and secularism guide governance.
- **Institutional restraint:** Constitutional authorities must respect separation of powers and the rule of law.
- **Protection of minorities:** Constitutional morality safeguards individual rights against majoritarian pressures.

Judicial Decisions

- **Kesavananda Bharati (1973):** The basic structure doctrine protects the Constitution's fundamental identity against destructive amendments.
- **Government of NCT of Delhi (2018):** The Supreme Court emphasised constitutional morality, representative government and collaborative federalism.
- **Navtej Singh Johar (2018):** The Court decriminalised consensual same-sex relations, prioritising dignity and equality over social prejudice.
- **Sabarimala judgment (2018):** The Court examined equality and religious freedom in the context of gender-based exclusion.

Conclusion

Constitutional morality sustains constitutional democracy by ensuring that power remains accountable and individual dignity is respected. Its consistent application by institutions and citizens is essential for an inclusive republic.

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