

Constitutional Morality

What is Constitutional Morality?

In Ambedkar's view, Constitutional Morality is the term that refers to an approach. According to him, Constitutional Morality's essence must be unanimity of an approach.

Constitutional Morality is quite visible in several well-established rights of the Constitution of India and others. It includes the following-

- The procedure established by law
- Due process of law
- Social justice
- Freedom of choice and expression
- Right to equality
- Individual liberty
- Rule of law

Principles of Constitutional Morality

Constitutional Morality is a sentiment that should be nurtured in the thoughts of responsible citizens but reinforced by an unbiased court guided by principles and ethics. The principles of Constitutional Morality can be considered as the following-

- The supreme respect for the constitution has been characterized as Constitutional Morality.
- Constitutional Morality gives a foundation for understanding how government works. It establishes standards for institutions to follow to exist and an expectation of behavior that is consistent with the Constitution's spirit and its content. It also holds governments and their officials responsible.

The principle of Constitutional Morality is not new. It is substantially contained in the Constitution explicitly, in sections such as Fundamental Rights (Articles 12-35), Fundamental Duties, Directive Principles of State Policy (DPSP) (Articles 36-51), and Preamble.

Doctrine of Constitutional Morality

Freedom and self-restraint are regarded as the central themes of Constitutional Morality's doctrine. It is explained as follows-

- Self-restraint is a major precondition for freedom for the effortless working of the Constitutional Processes.
- According to the Constitution of India, Directive Principles in Part IV of the Indian Constitution is considered the reservoir of social welfare.
- If Part IV of the Indian Constitution is pitted against the Fundamental Rights of a citizen, then there are chances of conflicts.

- In one such case, the Supreme court addressed these concerns and emphasized a harmonic construction of Constitutional morality's true spirit.

In India, populism is growing at a fast rate, and this has resulted in the following-

- Haste action of Parliament on abrogation of Article 370.
- Without careful treatment and proper debate, Laws are being passed in Parliament.
- For the applicability of the test of Constitutional Morality, the CAA has also stepped in.

Constitutional Morality and Supreme Court Decisions

Constitutional Morality is founded on ideals such as human autonomy and independence, justice without prejudice, respect for individuality with pride, and the right to liberty. Commitment to the essential ideas of constitutional democracy is defined as Constitutional Morality.

Constitutional Morality clashed with societal morality, which discriminates against women for genetic reasons such as menstruation.

Here are the Supreme Court decisions that define Constitutional Morality -

- The Supreme Court limited Parliament's ability to breach the Constitution's Basic Structure in the Kesavananda Bharati case.
- The Supreme Court ruled in the Naz Foundation case that only Constitutional Morality, not Public Morality, should triumph.
- The Supreme Court declared Constitutional Morality just like a guiding notion that highlights the need to protect people's faith in the system of democracy in the Lt Governor of Delhi case.
- The Supreme Court ignored the "doctrine of essentiality" in the Sabarimala case to defend Constitutional Morality.

What is the Best Way to Protect Constitutional Morality?

Freedom and self-control are the cornerstones of Constitutional Morality. Self-control was a requirement for retaining liberty under a properly constituted government. The best ways to protect Constitutional Morality can be-

- Constitutional approaches for accomplishing social and economic goals must be adopted to maintain Constitutional Morality.
- Adherence to the Constitution's values and ambitions.
- Raising awareness among the general people about their constitutionally guaranteed rights.
- While implementing Fundamental Rights, adhere to the Fundamental Duties.