Constitutional Morality

Prelims: *Current events of national importance | Indian Polity*

Why in News?

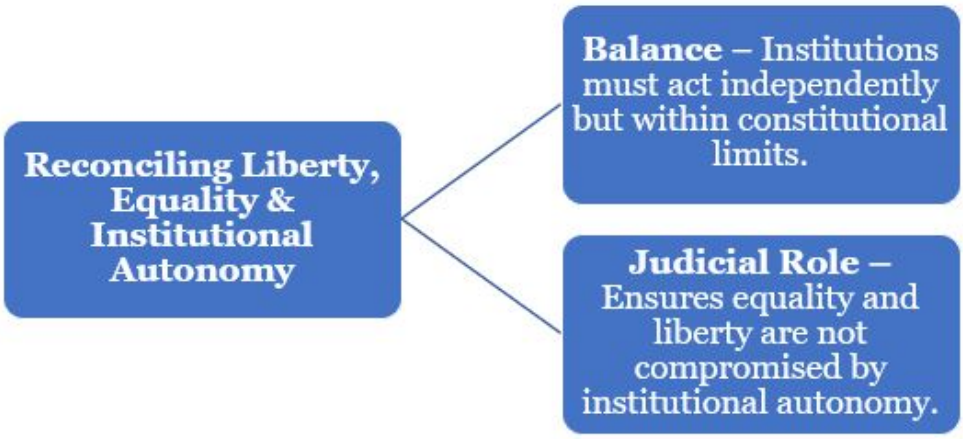
Recently, The Solicitor General has urged the Supreme Court to disregard the doctrine of "constitutional morality" in the Sabarimala case.

- **Meaning –** It is a doctrine emphasizing adherence to the ***core values, spirit, and principles of a constitution,*** such as justice, liberty, equality, and fraternity.
- The term "constitutional morality" is not explicitly mentioned in the Indian Constitution.
- **Origin –** Term first coined by **George Grote** (*History of Greece*).
- **Indian Usage –** B.R. Ambedkar invoked the term in the Constituent Assembly in 1948, stressing its necessity for democracy.
- **Core Pillars -** It centers on the rule of law, individual liberty, separation of powers, and accountability in public administration.
- **Judicial Application-** Indian courts use it to interpret constitutional provisions, particularly in safeguarding rights related to dignity, equality, and checking the basic structure of the Constitution.
- **Significance for Democracy –**
    - Safeguards **rule of law** and prevents arbitrary power.
    - Protects **minority rights** against societal morality.
    - Promotes **self-restraint, plurality, deference to processes.**
    - Acts as a **diagnostic tool** to identify arbitrariness and unaccountable authority.
- **Supreme Court Observations –**
- The Supreme Court has invoked constitutional morality to expand rights and protect vulnerable groups.

Key Rulings
• ***Navtej Singh Johar (2018) –*** Decriminalised homosexuality.
• ***Sabarimala (2018) –*** Women's entry upheld.
• ***Joseph Shine (2018) –*** Adultery law struck down.

• ***Kesavananda Bharati (1973) –*** Basic structure doctrine reflects constitutional morality.

- **Ramifications of Disregard –** Weakens institutions, fuels populism, erodes equality.



Reference

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