

## 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.

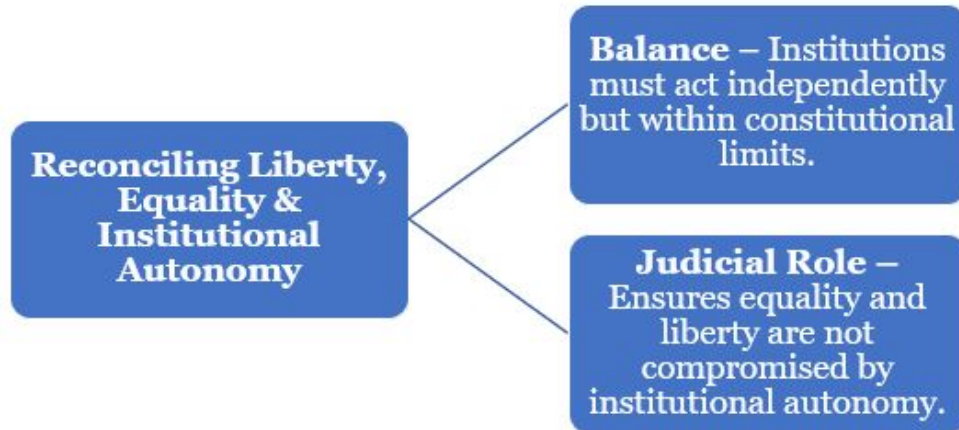
- **Meaning** - It is a doctrine emphasizing adherence to the **core values, spirit, and principles of a constitution**, such as justice, liberty, equality, and fraternity.
- The term "constitutional morality" is not explicitly mentioned in the Indian Constitution.
- **Origin** - Term first coined by **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

[Indian Express | Constitutional Morality](#)

