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Q1

'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.

UPSC Civil Services Mains 2021 · GS II · 10 marks · Indian Constitution

Indian Constitution - historical underpinnings, evolution, features, amendments, significant provisions and basic structure.

Core demand of the question

- '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
- Honour the official stem. Use Kesavananda, Navtej Johar, [Indian Young Lawyers Association](#) (Sabarimala), and [NCT of Delhi](#)
- Keep the explanation within a 10-mark length

Revision summary

Constitutional morality is fidelity to liberty, equality, dignity and the rule of law in the Constitution itself.

[Kesavananda \(1973\)](#) locked those essential facets as basic structure.

[Navtej Johar \(2018\)](#) preferred constitutional morality over social morality on [Section 377](#).

[Indian Young Lawyers Association](#) (Sabarimala, [2018](#)) tested temple exclusion against [Articles 14, 15, 17 and 25](#).

[NCT of Delhi \(2018\)](#) used the doctrine to restrain a parallel Lieutenant Governor against an elected government.

Introduction

Constitutional morality is loyalty to the Constitution's own values - liberty, equality, dignity, fraternity, and the rule of law - rather than to shifting social majorities. Indian benches have treated it as a doctrine rooted in the text and in the basic structure, not as a preacher's extra-constitutional ethic.

Body**Meaning of the doctrine**

- Dr [B.R. Ambedkar](#), in the Constituent Assembly, warned that democracy in India needed constitutional morality: a habit of respecting institutions and limits, not only a one-time vote.
- The doctrine asks courts and governments to prefer the Constitution's essential facets over popular morality, religious custom, or administrative convenience when those clash with Part III and the basic structure.

- It is not a licence for judges to invent a private code; it is a method of reading **Articles 14, 15, 19, 21 and 25** together with the Preamble.

Kesavananda and the moral compact

- **Kesavananda Bharati v. State of Kerala (1973)** held that the basic structure cannot be destroyed even by a constitutional amendment, which is the deepest judicial statement that the Constitution has unamendable moral-legal facets.
- Supremacy of the Constitution, democracy, secularism, and judicial review are those facets; constitutional morality is the everyday name for remaining faithful to them.

Navtej Johar, Sabarimala, and NCT Delhi

- **Navtej Singh Johar v. Union of India (2018)** struck down the criminalisation of consensual same-sex relations under **Section 377**, holding that constitutional morality protects dignity and intimacy against majoritarian social morality.
- **Indian Young Lawyers Association v. State of Kerala (Sabarimala, 2018)** held that exclusion of women of menstruating age from the Ayyappa temple failed **Articles 14, 15, 17 and 25** when tested against constitutional morality, not against a claimed essential religious practice alone.
- **Government of NCT of Delhi v. Union of India (2018)** used constitutional morality and collaborative federalism to read the Lieutenant Governor as a constitutional functionary who must ordinarily go with the aid and advice of the Council of Ministers, not as a parallel executive.
- Together these cases show the doctrine at work in personal liberty, religious access, and federal governance.

Flow diagram

Constitution Preamble Part III -> Constitutional morality
Kesavananda basic structure -> Constitutional morality
Navtej Johar dignity -> Constitutional morality
Sabarimala equality in worship -> Constitutional morality
NCT Delhi collaborative federalism -> Constitutional morality

Conclusion

Constitutional morality is rooted in the Constitution because it names the essential facets that Kesavananda protected as basic structure and that later benches applied against social morality, temple exclusion, and central overreach in Delhi. The doctrine binds courts and executives to the Preamble and Part III, not to the crowd of the day.

Facts & figures

Kesavananda Bharati (1973)

Basic-structure case that treats democracy, secularism and judicial review as unamendable facets of the Constitution.

Navtej Singh Johar (2018)

Read down **Section 377** for consensual adult same-sex relations on dignity and constitutional morality.

Indian Young Lawyers Association (Sabarimala, 2018)

Held exclusion of women of a certain age from the shrine incompatible with constitutional morality.

NCT of Delhi (2018)

Used constitutional morality and collaborative federalism to define the Lieutenant Governor's role vis-à-vis the Council of Ministers.

Ambedkar on constitutional morality

Constituent Assembly warning that democracy needs a habit of respecting constitutional limits, not only elections.

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