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Q5(a)

Constitutional morality in the Indian Constitution.

UPSC Civil Services Mains 2024 · PSIR GS 1 · 10 marks · Making of the Indian Constitution

Making of the Indian Constitution: Legacies of the British rule; different social and political perspectives.

Core demand of the question

- Define constitutional morality (10 marks)
- Show **Ambedkar**'s use and the Constitution's design
- Give contemporary judicial and political meaning
- Keep the note on the Indian Constitution

Revision summary

Constitutional morality is respect for constitutional forms, rights, and limits beyond the will of a passing majority.

Ambedkar treated it as necessary because Indian social life still contained caste hierarchy.

Part III, judicial review, federalism, and parliamentary procedure are the institutional face of that morality.

Kesavananda's basic structure is a judicial cousin of the same idea.

The term is contested when courts apply it, but its political core remains a warning against personal and purely majoritarian rule.

Introduction

Constitutional morality is the habit of respecting the forms, limits, and spirit of a constitution even when a majority could ignore them. In India the phrase is tied to **Dr B. R. Ambedkar**'s speeches in the Constituent Assembly and to later judicial use of the same idea.

Body**Ambedkar and the text**

Ambedkar warned that democracy in India must not rest only on social soil that still held caste. It must rest on constitutional morality: respect for procedure, for opposition, for limits on power, and for the administration of law without personal rule. **Grote**'s history of Greece had used the term; **Ambedkar** applied it to a new republic. The Constitution's devices - adult franchise, judicial review, federal distribution, and justiciable rights in Part III - assume that holders of office will not treat the text as a temporary inconvenience.

Contemporary meaning

Courts have invoked constitutional morality in cases on individual liberty, dignity, and institutional propriety, treating it as more than majoritarian morality. Critics say judges should not make the phrase a second constitution. The political meaning remains **Ambedkar**'s: parties, legislatures, and citizens keep the basic structure that **Kesavananda Bharati** later

named, including liberty and constitutional amendment within limits. Without that habit, the document is only paper.

Flow diagram

Constitutional morality -> Ambedkar
Constitutional morality -> Procedure and opposition
Constitutional morality -> Part III rights
Constitutional morality -> Basic structure

Conclusion

Constitutional morality in the Indian Constitution is the practised respect for constitutional limits, rights, and procedure. **Ambedkar** made it a condition of democracy in a hierarchical society. Courts and public argument still use the term to resist both personal rule and unrestrained majority will.

Facts & figures

Ambedkar, 1948-49

Constituent Assembly speeches insisted that constitutional morality, not only social morality, must sustain the new democracy.

Grote

Ambedkar drew the phrase from George Grote's account of Athenian constitutional morality as reverence for forms.

Kesavananda, 1973

The basic-structure doctrine institutionalises the claim that some constitutional essentials are not at the disposal of a temporary majority.