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Mains Practice Questions

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Q. Discuss the term Constitutional Morality and its significance?

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Approach

- Start the answer by briefly discussing what is constitutional morality.
- Discuss the significance of constitutional morality.
- Conclude Suitably.

Introduction

According to Dr. Ambedkar, Constitutional morality would mean effective coordination between conflicting interests of different people and the administrative setup. It envisages resolving conflicts amicably without any confrontation amongst the various groups working for the realization of their ends at any cost.

Body

Significance of Constitutional Morality

- Constitutional morality ensures the establishment of rule of law and integrates the changing aspirations and ideals of the society.
- Constitutional morality as a governing idea highlights the need to preserve the trust of the people in institutions of democracy.
 - It allows people to cooperate and coordinate to pursue constitutional aspirations that cannot be achieved single-handedly.
- Constitutional morality can use laws and forms to impact and change the persisting social morality.
 - For example, by abolishing the practice of Sati by legislation, the right to dignity and life was passed on to the widows which later on affected the perception of the practice in the society.
- Constitutional morality recognizes plurality and diversity in society.
 - For example in Navtej Singh Johar v. Union of India, the SC provided a framework to reaffirm the rights of LGBTQ and all gender non-conforming people to their dignity, life, liberty, and identity.
- The Supreme court in many cases has reiterated that constitutional morality is not limited only to following the constitutional provisions literally.
 - It is based on values like individual autonomy and liberty; equality without discrimination; recognition of identity with dignity; the right to privacy.

Conclusion

Constitutional morality is a sentiment to be cultivated in the minds of a responsible citizen. Upholding constitutional morality is not just the duty of the Judiciary or state but also of individuals.