

Dr. B. R. Ambedkar's Vision on Constitutional Morality

Dr. Mohammadrafiq H Mulla

Associate Professor, Department of History

Kittel Arts College, Dharwad.

Abstract:

My paper intends to present Ambedkar's vision on Constitutional Morality. In India, discussions about institutional independence, the rule of law, and ethical governance have brought constitutional morality back into the spotlight, emphasising its vital role in preserving constitutional values and influencing democratic behaviour. Dr. B.R. Ambedkar emphasised the value of developing a profound respect for constitutional procedures by citing Grote's theory. "Constitutional morality is not a natural sentiment-it has to be cultivated," noted Ambedkar. Today, Dr. B.R. Ambedkar's caution that "constitutional morality is not a natural sentiment-it has to be cultivated" is still very pertinent. The spirit of the Constitution must be internalized by both citizens and leaders for India's democracy to thrive. The Constitution becomes a living charter of justice, liberty, equality, and fraternity for all Indians when constitutional morality directs public life and governance.

Keywords: Dr. B. R. Ambedkar, Constitutional Morality, Democracy, Public life etc...

Methodology:

This study is based on explorative and analysis method. Historical development of Constitutional Morality and its relevance in public life will be analysed. Ambedkar's vision on Constitutional Morality taking into consideration for analysis.

Objectives:

To understand the concept of Constitutional Morality.

To analyse the vision of Ambedkar on Constitutional Morality.

To Enlist the elements to the cultivation of Constitutional Morality.

To comprehend the Constitutional Morality.

Introduction:

The British historian George Grote introduced the concept of constitutional morality, which is a balance between freedom and restraint in which citizens respect constitutional authority while maintaining the freedom to publicly criticize those in positions of authority. Upholding justice, liberty, equality, fraternity, secularism, and the defense of fundamental rights are all examples of constitutional values and rights. According to Ambedkar, constitutional morality entails a profound regard for the Constitution and its principles. He clarified that individuals must learn to uphold the values of equality, liberty, and fraternity. It is not enough to simply obey the law; we also need to follow it.

Ambedkar stated:

Constitutional morality is not an innate emotion. It needs to be developed and taught. This implies that people need to learn to live honestly and respect the law. If residents and Even the best Constitution will fail if leaders lack this moral discipline.

Cultivating Elements of Constitutional Morality:

According to Ambedkar, true progress involves more than just financial gain. A nation only genuinely grows when it develops morally. Only in the presence of fraternity and brotherhood do freedom and equality take on significance and show concern for everyone. Ambedkar's concept of constitutional morality has also been applied by the Indian Supreme Court. In instances such as Indian Young Lawyers Association v. State of Kerala (2019) and Navtej Singh Johar v. Union of India (2018). According to these rulings, the Constitution must safeguard equality and justice over social prejudice. Therefore, India's moral compass is constitutional morality, which enables us to use power with integrity and fairness.

Rule of Law: Ensuring that everyone is held equally accountable and that the law takes precedence over arbitrary political whims.

Separation of Powers: To prevent monopolized control, authority must be strictly distributed among the legislative, executive, and judicial branches.

Treating people with equal respect and dignity in spite of profound, irreconcilable ideological or cultural differences is known as pluralism and inclusivity.

Balancing Rights and Duties: Enjoying one's basic liberties while also carrying out civic duties to the community.

Constitutional Over Popular Morality: Prioritizing fundamental constitutional principles like equality over shifting, majoritarian social norms.

Need of Constitutional Morality:

Protecting Democracy: By guaranteeing that governance is based on justice, equality, and respect for individual rights, it fortifies the country's democratic foundation. **Encouraging Social Justice:** It defends the rights of minorities and opposes discriminatory actions, even when they are accepted by society or religion. **Preventing Majoritarianism:** Constitutional morality ensures that laws and policies are created to protect everyone, not just the majority or those in positions of power, thereby reducing the risks of majority dominance in society. Constitutional morality has a transformative effect on social evolution and is more than just a legal concept. Constitutional morality allows the legal system to confront and change unfair social practices by placing a high priority on individual rights and human dignity. Here are a few instances of this transformative role: **Encouraging Women and Gender Equality:** As demonstrated by the decriminalization of adultery (Joseph Shine v. Union of India) and the

elimination of discriminatory practices in places of worship like Sabarimala, judicial intervention in cases of gender discrimination has been motivated by constitutional morality.

Evolution of Constitutional Morality in India:

The concept of constitutional morality has evolved through several landmark judgments, which have served to clarify and reinforce its significance.

1. Kesavananda Bharati Case: This case established the basic structure doctrine, holding that Parliament cannot alter the “basic structure” of the Constitution. Here, constitutional morality was implicitly invoked to preserve the Constitution’s fundamental ideals against possible erosion by the state.

2. Naz Foundation Case: Although later overruled, this case initially decriminalized homosexuality under Section 377, arguing that the law must respect individual rights and dignity. This case highlighted the judiciary’s role in upholding constitutional morality over societal or religious opposition.

3. Navtej Singh Johar v. Union of India: In 2018, the Supreme Court ruled that Section 377 was unconstitutional concerning consenting adults, stating that constitutional morality is above societal morality. This judgment emphasized that individual rights and dignity are protected under the Constitution, regardless of prevailing social prejudices.

4. Sabarimala Case: In this case, the Supreme Court lifted the ban on the entry of women of menstrual age into the Sabarimala temple. The Court held that constitutional morality requires equal access to religious spaces, overriding social or religious practices that violate fundamental rights. The judgment sparked debates on constitutional morality versus religious morality, highlighting the tension between the two in a diverse society like India.

- I. Right to Privacy: In Justice K.S. Puttaswamy v. Union of India, the Supreme Court ruled that the right to privacy is a fundamental right under Article 21. This case underscored constitutional morality by asserting that individual privacy and autonomy are protected from excessive state intrusion. These cases illustrate how constitutional morality can challenge long-standing social norms, religious practices, and even government policies to protect individual rights and maintain constitutional integrity.

Ambedkar's vision on Constitutional Morality

Beyond simply abiding by the letter of the law, Dr. B.R. Ambedkar's conception of constitutional morality calls for an unwavering dedication to the democratic spirit, moral leadership, and the values of liberty, equality, and fraternity. Ambedkar famously borrowed the idea from British historian George Grote when he addressed the Constituent Assembly, cautioning that in order to keep democracy from collapsing, constitutional morality must be actively fostered among both citizens and leaders.

Upholding complete institutional accountability while strictly exercising authority within constitutional bounds. "Indian democracy is merely a top-dressing on an Indian soil which is essentially undemocratic," noted Ambedkar. He understood that if the ruling class had no moral obligation to preserve its internal ethos, a well-written legal document could be easily subverted. The caste system severely divided Indian society, so establishing a common constitutional ethics was the only way to settle disputes amicably without causing the country to fall apart.

Constitutional morality is not a recent concept in Indian democracy; its origins can be found in the Constitution's drafting. It has since developed into constitutional conventions, equality, and the rule of law, despite the fact that neither Ambedkar nor Grote intended it to be a tool to check legislation. As a country, we understand its significance as a transformative, progressive principle to deal with complicated issues in accordance with constitutional values. The idea recognizes the intricate relationship between law and religious culture while emphasizing equality, universal human rights, and individual dignity. Constitutional morality guarantees the protection of individual rights by upholding the fundamental principles of justice, equality, liberty, and fraternity—even when those rights conflict with the views of the majority or the general public. Ambedkar made a clear distinction between societal and constitutional morality. Traditional practices, religious prejudices, and structural injustices like the caste system are frequently the foundations of societal morality. Constitutional morality, on the other hand, upholds universal human dignity, equality, and liberty—even in situations where these principles conflict with deeply ingrained societal prejudices. Even the most meticulously drafted Constitution would not be able to safeguard a free society without this moral discipline, according to Ambedkar. The Indian Supreme Court now applies this framework to uphold individual rights and overturn discriminatory legislation. You can read more about his speech and the Constitution of India project's tenets.

Conclusion:

Thus my paper suggest that The idea of constitutional morality is still very relevant in modern India. Concerns about its deterioration are raised by instances of executive overreach, attempts to restrict free speech, and challenges to judicial independence. The controversy surrounding legislation such as the Citizenship Amendment Act (CAA) and the repeal of Article 370 emphasizes how crucial it is to preserve constitutional values despite political pressure. According to B.R. Ambedkar, constitutional morality is a practical requirement for a flourishing democracy rather than just an ideal. It necessitates an ongoing dedication to protecting fundamental rights, preserving the spirit of the Constitution, and making sure that authority is used within its bounds. An engaged populace, an independent judiciary, and a political class committed to the values of justice, liberty, equality, and fraternity are all necessary for its preservation. Realizing the Indian Constitution's transformative vision requires strengthening constitutional morality.

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