Polity & Governance · GS - II

"Constitutional morality is the fulcrum which acts as an essential check upon the high functionaries and citizens alike... ." In view of the above observation of the Supreme Court, explain the concept of constitutional morality and its application to ensure balance between judicial independence and judicial accountability in India.

EXAM YEAR	PAPER	SUBJECT
2025	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

Constitutional morality, rule of law, constitutional supremacy, Preamble, Fundamental Rights, separation of powers, judicial independence, judicial accountability, collegium, impeachment, transparency, institutional integrity

Model Answer

Introduction

Constitutional morality means adherence to the values, principles and institutional limitations embodied in the Constitution rather than merely following its textual provisions. It requires constitutional functionaries to exercise power in accordance with liberty, equality, dignity, fraternity and rule of law.

1. Constitutional morality and judicial independence

Judicial independence is a basic feature of the Constitution and protects courts from executive and legislative pressures. It requires security of tenure, protected conditions of service, institutional autonomy and freedom to

interpret the Constitution. The Supreme Court itself recognises judicial independence as part of the basic structure.

2. Constitutional morality and judicial accountability

Independence cannot mean immunity from accountability. Constitutional morality requires judges to maintain integrity, impartiality and transparency. Accountability mechanisms include the constitutional process of removal for proved misbehaviour or incapacity, judicial review of administrative actions and institutional mechanisms for addressing complaints.

3. Maintaining the balance

The balance requires:

1. Transparent and merit-based judicial appointments without executive domination.
2. Reasoned judgments and disclosure of relevant institutional procedures.
3. Internal mechanisms for dealing with misconduct while protecting judicial independence.
4. Parliamentary accountability through the constitutionally prescribed removal procedure.
5. Respect for separation of powers and institutional boundaries.

Conclusion

Constitutional morality creates a middle path between judicial supremacy and judicial subordination. An independent judiciary accountable to constitutional values, institutional procedures and the public interest is essential for preserving constitutional democracy.

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