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DR. B. R. AMBEDKAR'S CONSTITUTIONAL MORALITY

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Abstract:

According to Dr. Ambedkar, "Indian soil is not fit for understand the Constitutional morality, it is not restricted upon the expected feeling of the individuals, it has to embodied in nation building, it has to be cultured in nation like in India where everything is newborn". This is remarkable quotation of Dr. Ambedkar in concern with Constitutional morality. The concept Constitutional morality which articulates by Dr. Ambedkar which is also soul of modern Constitution of India is easy to chew but difficult to digest. There are several impediments and reasons to implement Constitutional morality but one of the most notable is the social structure and beliefs of Indian people. Indian society divided in to territorial and thinking assumption which mostly affected by the religious conviction, mostly diluted towards coherent sources. Constitutional morality which is accredited by Dr. Ambedkar based on the simple maxim that conflict will be inevitable but coordination is enviable. So the principles which are enumerated under Constitution as Constitutional morality not exclusive but they are inclusive.

In present article researcher will pin down the principles which outline the part of Constitutional morality, the understanding in the perspective of Dr. Ambedkar Constitutional Morality and then presentation of these principles in actual Constitution of India. Then latter part will be discussion on the contemporary relevance of these principles in context of implementation in administrative affairs of state. The result and effect of this concept in actual affairs in administration and society will also indicate in later part of the article.

Key Words: Constitutional Morality, Assessment of responsibility, paramount reverence, Uniformity, Social Justice.

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INTRODUCTION

Dr. Ambedkar precise three important alarms to the people of India, first to give more preference own party than nation then definitely it will have disastrous for nation and chances that India will again loose the independence. Second, in politics bhakti or hero-worship is sure road of degradation and eventual dictatorship. People shall not surrender their liberty for safeguard the democracy on individual feet. Third and most important is that, people of India must do not content with mere political democracy. Political democracy shall transfer into social and economic democracy, political democracy alone cannot last unless transfer into social and economic democracy. Dr. Ambedkar he is one of the makers of modern India and the architect of its present constitutional order. His observations on constitutional morality, made at a critical juncture in our social and political life, are of the utmost significance not only for the backward classes or the minorities, but for all Indians.[1]

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Constitutional morality is the morals which is attached with the Constitution, in fact there is no precise definition is available in and out of the Constitution. Some authors describe it as judicial principles, some describe it violation of democracy principles, and some declared it judicial overreach. In important sense it is the essentiality and inseparability of those principles to transmit and implement rule of law in the state. These are inevitable principles without it Constitutional democracy cannot be established. Again in Indian Young Lawyers Association v. State of Kerala an others[2], freedom of religion, choice to choose the religion, absence of discrimination in the name of religion, practices of religion according to individual choice, without prejudice harmonization of individual fundamental right and social order comes under the Constitutional morality.[3] This is basic

[1] ANDRÉ BÉTEILLE, DEMOCRACY AND ITS INSTITUTIONS (2012), http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780198080961.001.0001/acprof-9780198080961 (last visited Jul 10, 2021).
[2] Indian Young Lawyers Association v. state of Kerala, , 8 SCJ 609 (2018).
[3] *Id.*

approachability of the expectation from the subjects that people shall behave according to the constitutional norms and values and not against the Constitution for that purpose people shall have the awareness about the constitutional values and norms because most of the population of India are not aware about the basis core principles of the Constitutional law.

CONSTITUTIONAL LAW, CONSTITUTIONALISM AND CONSTITUTIONAL MORALITY

First – if trying to define 'Constitution' then we have to understand legal system of state or country. There are two categories firstly law which discuss right and liabilities of the public officials and subjects comes under category of Public Law and private law deals with private affairs of the people. The Constitution of a state creates fundamental agencies and organs of the government and administration basically their structure powers, composition, functions and their relations between each other. The Constitutional Law broader than Constitution because it encompass not only 'Constitution' but also comprise related statutory law, judicial decision and convention. So briefly the Constitutional law is the fundamental law of the land and also all laws shall be consonant with Constitutional Law. Constitutional law is mostly based on the foundation of constitutional morality.[4]

Second: Constitutionalism

A nation may have constitution but not necessary to have constitutionalism because Constitution ought not confer power to the various organs of the government but also seek to restrain these power. So Constitutionalism understands this need that there should have some limitation on the government power. Unlimited power put at risk the rights of the individuals so there is

[4]ANDRÉ BÉTEILLE, DEMOCRACY AND ITS INSTITUTIONS (2012), http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780198080961.001.0001/acprof-9780198080961 (last visited Jul 10, 2021).

necessity to put restriction and to preserve the basic freedoms of the individuals and maintain dignity of the individuals Constitution should be infused with Constitutionalism. Constitutionalism is the antithesis of unrestricted and arbitrary powers. Constitutionalism means government and government officials are not allowed to do anything according to theirs whims and caprices, they have bound to follow the restriction on power and procedure attached with the power which is already prescribed by the supreme law of the land that is Constitution. The concept of Constitutionalism is not new to the world, some of the natural law thinkers i. e. Rousseau, Thomas Aquinas, John Locke, Grotius, Stammler and Roscoe Pound already place their theory in favour of Constitutionalism. The principles like independent judiciary, judicial review, rule of law, separation of power, fundamental rights of the people, accountability of the government, free election and distribution of power encourage the Constitutionalism in a state.

Third: Constitutional Morality

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The Constitutionalism and Constitutional morality may have identical in their understanding but there is slight difference between these two concepts. While working with the government and administration the officer has to follow the certain basic values and principles of the Constitution that may be called as Constitutional Morality. These values based on equality, liberty and brotherhood in political life. In Dr. Ambedkar what may be the Constitution, people those who will run the administration would decide the future of the Constitution, if there will be negation of Constitutional morality in behavior of the administrative agency then Constitution becomes capricious and subjective. It is not possible in a democratic order to insulate completely the domain of law from that of politics.[5]

CONSTITUTIONAL MORALITY VARIOUS MEANING

[5] *Id.*

Meaning of the Constitutional Morality has separate meaning for each era, it changes according to time so meaning of the constitutional morality is not secure it has different meaning at different time. It also changed on account of context..

Constitutional Morality according to Grote[6], discusses the Constitutional morality in detail and in simple terms he defined the following principle attached with Constitutional morality.

i) It is necessary to all subjects to respect and follow the Constitution the fundamental law of the land.

ii) Not only political parties who in the power but apposite party shall abide the principles attached with Constitution and respect the opposite party kind of duty of majority party.

iii) All government officials shall obey and do the function accordingly Constitution.

iv) Even though the freedoms to make criticism against the public officials' people have abided to follow the Constitutional duties.

Constitutional moralities (there are many possible such) may defined within the framework of the Constitution the expected behaviors of the peoples including constitutional duties.[7] The obligation of the individuals and government agencies shall endeavor to create a mechanism considered as Constitutional mechanism which will manage the system in effective and systematic way. Actually this is the system which created by the people and for the people where more emphasis shall be given to the obligations of the individuals and administrate authority.[8]

DR. B. R. AMBEDKAR VIEW

In Dr. Ambedkar words the Constitutional morality means predominance of political share shall not be in the hands of majority community but inclusive to all people. It is the essential condition of a government work to establish free and peaceful atmosphere of administration, where even minority will have right to establish a free institution without any heaviness from majority.

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[6] George Grote, , WIKIPEDIA (2021), https://en.wikipedia.org/w/index.php?title=George_Grote&oldid=1031531742 (last visited Jul 15, 2021).

[7] Bruce P Frohnen' & George W Carey, *Constitutional Morality and the Rule of Law* 37.

[8] *Id.*

These are following principles attached with Constitutional morality given by Dr. Ambedkar,

a) Constitutional morality means reference to substantive content of the Constitution. Government to be governed according to the moral boundaries prescribed by the Constitution.[9] Non discrimination, Democracy, Equal protection of laws these are the moral boundaries of Constitution so be the Constitutional morality. In simple sense strict to the Constitutional principles without any compromise.

b) The role of conventions and protocols in government decision where Constitution provide discretionary power or silent.

c) Constitutional morality means effectual coordination between inconsistent interest of people and administrative cooperation to resolve harmoniously without any conflict.

d) It is an understanding principle in the workings governance. The standard for the government institution to endure and action not towards the text but towards the soul of the Constitution.

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e) Parliamentary Democracy: under the non- parliamentary system, such as USA, the assessment of administrate duties is periodic specifically once within two years. In Indian Democracy responsibility has performed by the member of the parliament through question answer sessions. If administrative duty failed then no-confidence motion, debates on important issues of the governance, resolution etc. may be carried out against the government.

f) The form federal Constitution in Unitary manner. In war or any emergency situation it designed to work as unitary system. This type of system of government adopted by Dr. Ambedkar farsighted due to following two reason 1) the Indian Constitution has sought to forge means and methods whereby India have federation and at the same time will have uniformity in all the all the affairs which

[9] S. Gopal, *Nehru*. Vol II. Harvard University Press, Cambridge, p. 308.

is important for the sovereignty and concord of the Nation. For that purpose mechanism shall be enhanced with i) a single Judiciary ii) Civil and criminal and fundamental laws homogeneity iii) All India Civil Service 2) Indian Federal system shall not so rigid and involve in legal intricacy.

g) Administrate function has closed association with Constitutional mechanism. The administrative authority shall perform according the Constitutional guidelines provided. It is feasible that without changing the constitutional shape to obstruct the Constitution by slightly shifting the route of administration violating very spirit and strength of the Constitution. It is not wiser to trust the Legislature to prescribe the form of the government, because those who have majority in legislature may turn control the administration and dilute the very institution fabricate under the Constitution.

h) It is wisely done by the Constitution to provide safeguard to the minorities. According to the Dr. Ambedkar minorities are the volatile power which, it can destroy complete structure of the state if it exploded. Whether the minorities will continue or vanish it depends upon the habits of majority. The moment majority will loses the habit of discriminating against the minorities; the minorities hold no ground to exist.

i) If we want to achieve Social and economic purposes then it is necessary to stick with Constitutional morality and values. Revolution is not solution in democracy, everyone try to escape form it in all means of affairs of the government and social life. All people remind that civil disobedience or non cooperation is the destructive tools for nation building including satyagraha.

j) It is incorrect to say that fundamental right are absolute and non-fundamental right are not absolute. This principle further elaborated by Dr. Ambedkar, he said that it permits to state directly to impose the restrictions upon the fundamental right while taking the help of the parliament. It means that if state want to qualify the fundamental right then legislation shall passed by parliament and it shall be according with the restriction laid down by the Constitution itself. Directive

principle of the State policy also having binding force. While exercising the power government should respect to instruments of instruction which are called directive principles.

k) Constitutional Remedies:

Remedies provided under Indian Constitution are distinctive, imperative, trendy and agility provisions, though it's borrowed by overseas Constitution it was changed according to the circumstances of the demanding situations. Already Dr. Ambedkar mentioned about it in constituent assembly debate that article 32 of the Constitution is the soul and heart of the Constitution, an article without this Constitution is worthless. Whenever there is right there should be remedy, remedy should be appropriate, resonance with the context with the time. Even Article 226 is parallel with the remedy available in Article 32 of the Constitution. It is one of the inevitable and elite part of the Constitutional values which non-transferable from the flesh of the Constitution of India.

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JUDICIAL VIEWS

Dr. Ambedkar had used the word 'Constitutional Morality' in constituent assembly debate on 4 November 1948 where he explain why all the details of administration were mentioned in Constitution itself though nonappearance of these kinds of provision in other countries Constitution, he also expressed the apprehension that without changing Constitution, there will be threat to Constitution through changing the course action of the administration. After the two decade of Constitution history the word was used in case[10], it was applied and referred for the basic structure doctrine. After that in S. P. Gupta case[11], where court mentioned violation of Constitutional convention will be considered as the violation of Constitutional Morality. The impact of these violations will be on the political and democratic system of the government.[12]the government of India shall

[10] Kesavananda Bharti v. State of Kerala, , SC 1461 AIR (1973).
[11] S. P Gupta v. Union of India, , 87 SCC (1981).
[12] *Id.*

abide by the norms and convention even though they have not statutory sanction because it becomes the part of Constitutionalism.

In Government NCT of Delhi case[13] in this case Chief Justice of India mentioned Constitutional Morality is the second basic structure principle attached with the Constitution of India.[14] It is the spirit, core, conscious of the Constitution. Today there are two meaning attached to the Constitutional Morality.[15] First one which is the opposite of popular morality, and second one, is the spirit and soul of the Constitution.[16] Constitutional Morality and social morality sometimes appears contradictory to each other that time court has to disregard social morality for the testing the government action and has to maintain Constitutional morality. In recent case like[17], Supreme Court remarks that the Constitution of India is not force by the outside agency it is the people of India adopted and surrendered to the people of India for the people of India.[18] So that does not conclude that people morality and Constitutional morality is in similar staircase.

In case Islamic Academy Education[19], where Supreme stated that the concept of equality is not a doctrinaire approach, it is a binding thread which runs through the entire constitutional text.[20] An affirmative action may, therefore, be constitutionally valid by reason of Articles 15(4) and 16(4) and various directive principles of State policy, the equality principle is the core of Constitutional values and morality which court will not diluted at any stage of the judicial process.[21] The court has to protect the right of the backward class and minority people, if suppose that would not happen the it will be fraud to the Constitution.[22] Public morality or public belief is not important when court is interpreting the

[13] GOVERNMENT OF NCT OF DELHI V. UNION OF INDIA, *supra* note 23.
[14] *Id.*
[15] Abhinav Chandrachud, *The Many Meanings of Constitutional Morality*, SSRN ELECTRON. J. (2020), https://www.ssrn.com/abstract=3521665 (last visited Jul 14, 2021).
[16] *Id.*
[17] INDIAN YOUNG LAWYERS ASSOCIATION V. STATE OF KERALA, *supra* note 4.
[18] *Id.*
[19] Islamic Academy of Education and Ors. v.State of Karnataka and Ors., , MANU (2003).
[20] *Id.*
[21] *Id.*
[22] *Id.*

Constitution specially fundamental rights not even testing the validity of any legislation because sometimes public morality may oppose the Constitutional morality and principle as like in Naz Foundation case[23], where public morality was appose towards the fundamental right of the individuals as Rousseau said that state is not allowed to infringe the single individual sacrosanct right on account of even public interest because individual right are the essence of the individual and have attached from cradle to grave. So the court shall not be pursued by the societal morality or public opinion and shall not substitute Constitution morality with societal morality. Same conflict appear in relation with section 497 of Indian Penal Code in Joseph Shine case[24], Where Peoples cannot use Colorable gadget to dilute the right of the women to enter in to the temple only because she is running certain stage of life abiding situation and only because social morality is going to oppose it, freedom of religion and right have equal access to the religious institution are the part and parcel of the Constitutional morality.[25]

Law and morality must indeed be kept apart in modern social systems, although there is considerable overlap and mutual influence between the two.[26] But what the constitutional code means and how it is to be applied in diverse, often unexpected or unpredictable, situations is an important dimension of the binding principles of the code.[27] The harmonization between individual right and social rights is the duty of government agencies under Constitutional morality. The obligation resides on the shoulder of the government agencies maintain mixed and harmonious relation between sections of the society, any feeling of partiality and inclination to rule of majority shall be curtail because it is the antithesis to Constitutional morality and it cannot be attenuate for the cost of social morality.[28]

In society because of majority of the group certain kind of philosophy being built

[23] Government of NCT of Delhi v. Union of India, , 8 SCC 501 (2018).
[24] Joseph Shine v. Union of India, , SC 1676 SCC (2018).
[25] *Id.*
[26] Salman Khurshid, *Constitutional Morality and Judges of the Supreme Court*, *in* JUDICIAL REVIEW: PROCESS, POWERS, AND PROBLEMS (ESSAYS IN HONOUR OF UPENDRA BAXI) 384–410 (Lokendra Malik et al. eds., 2020), https://www.cambridge.org/core/books/judicial-review/constitutional-morality-and-judges-of-the-supreme-court/860659E90BDFA447E8350A318A849ACC.
[27] *Id.*
[28] Navtej Singh Johar v. Union Of India Ministry Of Law And other Writ Petiton, , 76 (2016).

resulted in autocracy and favoritism for particular religion shall not be superseded to Constitutional values. Constitutional morality is not fastening with only procedure and articles of the Constitution; it is related with the structure of society where each and every time provide opportunity for rejuvenation for individuals and society.[29] Any kind of social discrimination shall be removed through the touchstone of Constitutional Morality and it has to create the effect and situation where society shall respect the individual rights and dignity of every individual."[30] Now this is also the opinion of Supreme Court of India in related with Subrimala Judgement[31], Constitutional Morality in a secular polity would imply the harmonisation of the Fundamental Rights, which include the right of every individual, religious denomination, or sect, to practise their faith and belief in accordance with the tenets of their religion, irrespective of whether the practise is rational or logical.[32]

Attorney General KK Venugopal, senior lawyer and Constitutional experts in Supreme Court also Attorney journal of India recently expressed views in the related with Constitutional morality each and every time using the word Constitutional morality may be dangerous for Democracy. This is the different kind of opinion expressed by the Attorney General express in the fear of judges of the Supreme Court because the interpretation of Constitutional morality becomes divisive one in recent days, accordingly KK Venugopal. There is possibility that some time judge be dressed in his own philosophy behind the veil of the Constitutional morality that may become more chances of hazardous for the democracy. There is danger of this concept being ignorantly and dangerously used in courts because of exclusive understanding is not available with concept of Constitutional Morality.[33]

[29] Chandrachud, *supra* note 27.
[30] The challenge of Constitutional Morality before the Supreme Court, , THELEAFLET (2020), https://www.theleaflet.in/the-challenge-of-constitutional-morality-before-the-supreme-court/ (last visited Jul 15, 2021).
[31] INDIAN YOUNG LAWYERS ASSOCIATION V. STATE OF KERALA, *supra* note 4.
[32] *Id*.
[33] Nath, *supra* note 6.

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CONTEMPORARY RELEVANCE OF CONSTITUTION MORALITY

Even though the word Constitutional Morality not written anywhere in the books of the Constitution but Indian judiciary particularly Supreme Court of India recognized it through various judgments which touch the fabric of societal norms and morality. Constitutional morality relevant to each segment of time from the dawn of Constitution, it interpretation also being changed according to the flesh and tissue of the time, the superior courts of India time to time rejuvenated it.

Keshavananda Bharati v. State of Kerala[34]

Justice H. R. Khanna held that the power to amend, though plenary, could not be so exercised as to destroy basic fabric of the Constitution of India.

In Naz Foundation v. Government of NCT of Delhi[35]

Consensual sexual relation between two adult irrespective to the gender is not crime and considered as a crime will be amount the violation of fundamental rights of guaranteed under Indian Constitution. In Summery Court declared that Section 377 of the Indian Penal Code, if it declares consensual sex as offence which performed in private then it will be treated Article 21, 14 and 15 of Constitution.[36]

Open and effective democracy requires accountability and access to information by the public about government performance.[37]

Navtej Singh Johar case[38]

Same sex relationship between consenting adults, where a declaration was sought to endorse 'right to sexuality' and 'right to choice a partner as a part of life guaranteed under Article 21 of the Constitution[39].

[34] KESAVANANDA BHARTI V. STATE OF KERALA, *supra* note 16.
[35] GOVERNMENT OF NCT OF DELHI V. UNION OF INDIA, *supra* note 23.
[36] *Id*
[37] *Id*
[38] Navtej Singh Johar v. Union Of India Ministry Of Law And other Writ Petition, 76 (2016).

Joseph Shine v. Union of India[40], adultery is no criminal offence because it is private matter in which court will not interfere. A woman is not puppet in the hands of men, we shall respect the sexual independence of every individuals and violation of this would violation of Constitutional principles. In this case Supreme Court laid down that, for the social morality you cannot withhold Constitutional morality an only Constitutional morality can submerge in to the Rule of law, again court quote that under the blanket social morality no one shall dare to violate fundamental rights of a individual even though diversity existing in society Constitutional morality may observe and flourish it[41].

In S.P. Gupta v. Union of India[42]

Supreme Court of India has recognized the public right of information as being included in the rights to freedom of speech and expression. It also lowers the protection of disclosure of paid government documents.[43]

In Jigya Yadav (Minor) through Gurdian/Father Hari Singh v. C.B.S.E. and others[44], the Supreme Court held that, "The natural identity of an individual should be treated to be absolutely essential to his being. What nature gives is natural. That is called nature within. Thus, that part of the personality of a person has to be respected and not despised or looked down upon. The said inherent nature and the associated natural impulses in that regard are to be accepted. Non-acceptance of it by any societal norm or notion and punishment by law on some obsolete idea and idealism affects the kernel of the identity of an individual. Destruction of individual identity would tantamount to crushing of intrinsic dignity that cumulatively encapsulates the values of privacy, choice, freedom of speech and other expressions. It can be viewed from another angle. An individual

[39] *Id*
[40] JOSEPH SHINE V. UNION OF INDIA, *supra* note 24.
[41] *Id*
[42] S. P GUPTA V. UNION OF INDIA, *supra* note 17.
[43] *Id*
[44] Jigya Yadav (Minor) through Gurdian/Father Hari Singh v. C.B.S.E. and Ors., , MANU (2021).

in exercise of his choice may feel that he/she should be left alone but no one, and we mean, no one, should impose solitude on him/her."[45]

In Indian Young Lawyers Association v. UOI[46], Supreme Court held that on the basis of menstrual period of woman, social boycott is like practice of untouchability which against the Constitution, on the basis of neatness and messiness no one can blame, misrepresents the individual which is also against the Constitutional morality.[47]

Again Supreme Court ruled that, "….Article 17 cannot read to exclude women against whom social exclusion of the worst kind has been practiced and legitimized on notion of purity and pollution….The issue for entry in a temple is not so much about the right of menstruating women to practice their right to freedom of religion, as about freedom from societal oppression, which comes from stigmatized understanding of menstruation, resulting in "untouchability".[48] In Secular pattern of society and Constitution every sect have their freedom of practice of religion and logical and rational standards are not going to apply to it, everyone religious freedom respected under Constitutional framework that is the core of Constitutional morality so then it's the obligation of people to maintain and balance and not to be curtailed or undermined it.

In Jigya Yadav (Minor) through Gurdian/Father Hari Singh v. C.B.S.E. and Ors, it is bounden duty of all state instrumentalities to play the role of enablers in the exercise of rights by the citizens, including correcting their records owing to purely personal choices of the citizens.[49] It is obligation for state not to violate the privacy rights of the individuals in the fraud name of public order and administration, respecting individual's identity is the part of morality of the Constitution.

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[45] *Id*.
[46] INDIAN YOUNG LAWYERS ASSOCIATION V. STATE OF KERALA, *supra* note 4.
[47] *Id*. Para 199(4), Per J. Chandrachud.
[48] *Id*. Para 144, Per J. Deepak Mishra.
[49] JIGYA YADAV (MINOR) THROUGH GURDIAN/FATHER HARI SINGH V. C.B.S.E. AND ORS., *supra* note 53.

REVIEWER

1. In India although Constitutional morality which was anticipated to Dr. Ambedkar embodied in the wording of the Constitution but act in actual administration it has been uninhabited because of political party treat these Constitutional obligation very differently when they came into power and opposition.

2. Each and every administrator and minister who are the part of administration may understand Constitutional Morality according to it's his perceptions and moral belief.

3. There are the situations arrive in administration where administrative authority not rely on Constitutional values and obligations. The public officer when doing public duty has to act according to Constitutional values and obligation but his own belief and values may hinder to follow Constitutional path.

4. Dr. Ambedkar anticipated that political democracy is not only exclusive necessity for democracy of India, political democracy shall convert with social and economic democracy but in reality each party came into power with promise to create social and economic democracy but when in power they dilute the social and economic realities.

5. In Dr. Ambedkar perception that Judiciary not alone can enforce and protect the rights of the people, but administrative agency shall participate together and because of that all rules and affairs of administration embodied in the Constitution unlike other overseas Constitution. It has exclusive Constitution all over the world where each and every detail about the administration has been mentioned. But Administrative and political agency ignored to read this part of Constitutional morality. Government is bound to run the administration as per the Constitutional mandate which is based on concept of the rule of law.

6. Directive principles of state policy provided instructions to the Executives and legislature. So whoever captures power will not be free to do what he likes

with it. Directive Principles equally binding as fundamental right of the Constitution. In the exercise of power authority shall respect to the Directive Principles but it deliberately discarded in the affairs of the administration.

7. The Government of India is constitutional oblique to empower the weaker sections of Society by providing equal opportunities to them to create a just social order. After independence various protective measures and legislative measures have been undertaken by the government to safeguard the interest of SCs and STs. The role of the police, the role of judiciary and the role of the government machinery have also been questioned by many. The implementation of the Atrocity Act itself differs from state to state depending upon the will power and the honesty of the state Government. Recent years have witnessed the wide scale attacked on scheduled caste communities in some of backward areas of Maharashatra particularly the rural area. It is nothing but violation of the Constitutional morality.

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CONCLUSION

Dr. Ambedkar Constitutional Morality occupied central place in the text of Constitutional Law but recognition and realization is very intricate among the Indian society. The Constitutional morality which was anticipated by Dr. Ambedkar, not allocated and nor implemented in clean form because of mindset of the Indian peoples. Social and economic democracy is essential to have social justice but spirit remains unyielding in text of Constitution and political leaders, administrator eulogize only about cadaver. It is the need of the hour, social morality shall not frustrate the spirit of the Constitution, not only judges but each and every citizen shall adore the Constitutional Morality. Each and every affair of the administration shall be sorted only with the help of Constitutional values and wherever there will have conflict between social and Constitutional values, latter shall surpass. To change social morality only benefit of Act and laws shall be taken because tendency of people to take charge by individual and groups will destroy element of democracy. Constitutional morality is enclose not only in the text of the Constitution but in outside as well. It has to be inbuilt in the each and

every individuals of the society, unfortunately Indian society is divided in the various portion, people give more respect to the personal and religious feeling than constitutional values, it is very important that people in large and every individuals those who are running any institution shall abided by the Constitutional values, not only respect but also the actual behavior shall be par with Constitutional Morality then only India and Indian society may claim the rule of law.

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