



Revisiting constitutional justice: Ideological evolution and contemporary relevance in India

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Abstract

The Indian Constitution, now more than seven decades old, stands as one of the most profound democratic charters in the modern world. It embodies not only a legal framework but a moral vision—a vision of justice, liberty, equality, and fraternity that transcends time. This paper, “Revisiting Constitutional Justice: Ideological Evolution and Contemporary Relevance in India,” examines how constitutional justice has evolved from the founding era to the present day, drawing upon the ideological foundations laid by the framers and their dynamic reinterpretation through judicial innovation. The study traces the transformation of constitutional ideology—from the social revolution envisioned by Dr. B. R. Ambedkar and the Constituent Assembly, to the judiciary’s pivotal role in sustaining and expanding the meaning of justice through landmark judgments. It further explores the principles of constitutional morality and social justice as guiding lights in maintaining the living character of the Constitution, especially amid contemporary challenges such as majoritarianism, inequality, and the need for institutional accountability. Through a critical study of judicial trends, including the emergence of doctrines like the basic structure, substantive due process, and transformative constitutionalism, this paper contends that constitutional justice in India has evolved from a textual promise to a lived moral reality. Ultimately, revisiting this trajectory affirms that the true strength of Indian democracy lies not merely in its legal architecture, but in the continuing dialogue between law, morality, and social transformation.

Keywords: Constitution, justice, judiciary, constitutional morality, social justice, transformative constitutionalism

Introduction

The Indian Constitution, adopted on 26 January 1950, represents not merely a legal instrument of governance but a profound moral and political covenant between the State and its citizens. It is a living document that enshrines the ideals of justice, liberty, equality, and fraternity—principles that have animated India’s democratic journey for more than seven decades. The framers of the Constitution envisioned it as an instrument of transformation, one capable of dismantling entrenched hierarchies and ushering in an egalitarian social order. As Dr. B. R. Ambedkar aptly described, the Constitution was intended to be “a vehicle of life,” capable of adapting to the evolving needs of a dynamic society.

At the heart of this transformative vision lies the concept of constitutional justice—a justice that transcends mere legality and reflects moral and social conscience. Unlike formal or procedural justice, constitutional justice integrates legal norms with ethical values, seeking to harmonize the rule of law with the demands of social equity. It calls upon institutions, particularly the judiciary, to interpret the Constitution not as a static text but as a living moral charter responsive to changing times. The evolution of constitutional justice in India, therefore, is a journey from the ideology of the framers to the active interpretative engagement of the judiciary in shaping the nation’s constitutional morality.

Ideological Background and Foundational Philosophy

The ideological foundations of the Indian Constitution are rooted in a synthesis of Western liberal thought and indigenous traditions of social reform and collective welfare. The Preamble, which serves as the philosophical compass of the Constitution, encapsulates this synthesis by proclaiming India as a sovereign, socialist, secular,

democratic republic committed to securing justice—social, economic, and political—to all its citizens. This ideological breadth reflects the framers’ deep understanding that democracy in India could not merely replicate Western models but had to respond to its own social realities—poverty, caste hierarchy, illiteracy, and exclusion.

The Constituent Assembly Debates reveal that the framers perceived justice as the central and animating principle of the Constitution. Pandit Jawaharlal Nehru, in his Objectives Resolution, emphasized that political independence would be meaningless without social and economic justice. Similarly, Dr. Ambedkar warned that the existence of “political democracy” without “social democracy” would be a contradiction that might undermine the Republic itself. The ideological thrust, therefore, was toward a Constitution that not only guaranteed rights but also imposed obligations on the State to actively promote equality and human dignity. The integration of Directive Principles of State Policy (DPSPs) alongside Fundamental Rights stands as a testament to this ideological balance. While Fundamental Rights guarantee individual liberty, the DPSPs articulate the moral vision of a welfare state, emphasizing distributive justice and socio-economic reform. The framers intentionally wove together these seemingly contrasting elements to create a dynamic equilibrium—what Granville Austin famously described as the “conscience of the Constitution.”

Equally significant was the adoption of a parliamentary democratic system and an independent judiciary as instruments for realizing constitutional justice. The judiciary, in particular, was envisioned not merely as an interpreter of law but as a moral guardian of the Constitution—entrusted with upholding its spirit against both legislative and executive excesses. Over time, this ideological commitment evolved into a robust jurisprudence

that transformed the judiciary into the sentinel of constitutional conscience.

The ideological foundation of the Indian Constitution, therefore, rests upon three interlocking pillars: liberty, equality, and fraternity. These are not abstract ideals but practical imperatives, intended to guide public institutions in their pursuit of justice. The moral depth of this vision becomes evident when viewed in light of Ambedkar's assertion that fraternity—the sense of common brotherhood—was the key to sustaining democracy. It implied that justice, in the Indian constitutional sense, is not only institutional but relational—it arises from the shared moral responsibility of citizens and the State to uphold human dignity.

Thus, the ideological evolution of constitutional justice in India is both historical and ongoing. The Constitution was not designed as a finished project but as an evolving framework for moral governance. Its spirit demands that every generation reinterpret its ideals in the context of contemporary realities. In this way, the Indian Constitution remains a living testament to the nation's enduring quest for justice—anchored in moral vision and sustained by judicial innovation.

Judicial Interpretation and the Living Constitution

The judiciary has played a decisive role in shaping the moral and institutional life of the Indian Constitution. Far from being a passive interpreter, the Supreme Court of India has, through a creative and purposive approach, transformed the Constitution into a living instrument that adapts to social change while preserving its foundational principles. This interpretive dynamism—sometimes praised as judicial activism and at other times criticised as judicial overreach—nonetheless remains the principal force through which constitutional justice in India has evolved.

The Evolution of Constitutional Interpretation

In its early years, the Supreme Court followed a relatively textual approach, emphasising the literal meaning of constitutional provisions. In *A. K. Gopalan v. State of Madras* the Court adopted a narrow reading of personal liberty under Article 21, confining it to physical restraint. This interpretation, however, proved inadequate in addressing the complex realities of a post-colonial democracy committed to human dignity.

The turning point came with *R. C. Cooper v. Union of India* (the Bank Nationalisation Case), where the Court rejected the compartmentalised reading of Fundamental Rights and recognised their overlapping nature. This shift from textual rigidity to structural reasoning marked the beginning of a more holistic constitutional philosophy.

Subsequent decisions such as *KesavanandaBharati v. State of Kerala* established the basic structure doctrine, which remains the cornerstone of Indian constitutionalism. The Court held that while Parliament possesses wide powers to amend the Constitution, it cannot destroy its essential features—such as the rule of law, separation of powers, and judicial review. This doctrine reaffirmed the Constitution as a moral order rather than a mere political charter, ensuring that transient majorities could not dismantle its fundamental values.

The Living Constitution: Expanding the Horizons of Rights

The Supreme Court's post-Emergency jurisprudence heralded the emergence of the living Constitution concept. In *Maneka Gandhi v. Union of India* the Court re-interpreted Article 21 to include the principles of fairness, reasonableness, and non-arbitrariness, thereby aligning procedure established by law with due process of law. This judgment transformed the understanding of liberty in India, linking it with the principles of equality (Article 14) and freedom (Article 19) in an integrated constitutional matrix.

Through a series of public interest litigations (PILs), the Court expanded the scope of Article 21 to include the right to livelihood, clean environment, education, and health. The PIL movement, pioneered by Justice P. N. Bhagwati and Justice V. R. Krishna Iyer, redefined the accessibility of justice and brought the Constitution closer to the marginalised sections of society. By relaxing the traditional locus standi rules, the judiciary transformed itself into an institution of social accountability and moral responsibility. This period also witnessed the articulation of constitutional morality as a guiding principle of interpretation. In *Navtej Singh Johar v. Union of India* and *Indian Young Lawyers Association v. State of Kerala* (Sabarimala case), the Court invoked constitutional morality to reconcile individual rights with social reform. It underscored that constitutional morality, rather than public morality, must guide judicial reasoning—particularly in matters concerning gender equality, personal autonomy, and dignity.

Dialogue Between Judiciary and Legislature

The dynamic relationship between judicial interpretation and legislative supremacy forms another defining feature of India's living Constitution. The Supreme Court has consistently sought to maintain equilibrium between activism and restraint. In *I. R. Coelho v. State of Tamil Nadu* the Court reaffirmed those even constitutional amendments placing laws in the Ninth Schedule are subject to judicial review if they violate the basic structure. Yet, in *Ashoka Kumar Thakur v. Union of India* the Court upheld affirmative-action policies under Articles 15(4) and 15(5), demonstrating its respect for Parliament's role in achieving social justice.

This constitutional dialogue illustrates that the living Constitution is neither purely judicial nor purely political—it is a shared enterprise sustained by institutional balance and democratic accountability. Judicial interpretation thus functions not as an act of supremacy but as a form of constitutional stewardship.

The Moral Dimension of Judicial Creativity

The Indian judiciary's interpretative creativity often carries a strong ethical undertone. It reflects what Ronald Dworkin terms as law as integrity—the idea that judicial decisions must fit within a coherent moral narrative of the legal system. The Court's emphasis on transformative constitutionalism echoes this sentiment. By reading dignity, equality, and liberty expansively, the judiciary seeks not merely to enforce rights but to nurture the moral ideals embedded in the Constitution.

This interpretative vision, however, is not without challenges. Critics argue that judicial activism may encroach upon the democratic domain of the legislature. Yet, as long as such activism is guided by constitutional morality rather than personal preference, it strengthens rather than weakens democracy. The moral legitimacy of

judicial power thus depends upon its fidelity to the constitutional promise of justice for all.

Constitutional Morality and Social Justice

The notion of constitutional morality has emerged as one of the most profound conceptual developments in Indian constitutional jurisprudence. While the term was first invoked by Dr. B. R. Ambedkar in the Constituent Assembly, its true legal and philosophical significance has evolved through judicial interpretation in the twenty-first century. Constitutional morality signifies adherence not merely to the letter of the Constitution but to its ethical and transformative spirit. It demands that institutions and citizens alike act in accordance with the principles of justice, equality, and fraternity—values that sustain constitutional democracy in both form and substance.

The Ambedkarian Vision of Constitutional Morality

Ambedkar's articulation of constitutional morality reflected his deep concern that political democracy must be undergirded by a moral and social ethos. He argued that democracy in India could survive only if citizens and institutions internalised constitutional values as part of their civic conscience. For Ambedkar, constitutional morality was not confined to legal obedience; it encompassed the cultivation of reason, tolerance, and respect for dissent. In his words, "Constitutional morality is not a natural sentiment. It has to be cultivated. We must realise that our people have yet to learn it."

This vision was grounded in his broader philosophy of social justice, which he viewed as the moral foundation of the Republic. Ambedkar understood that without dismantling the caste hierarchy and entrenched social prejudices, the constitutional promise of equality would remain illusory. Constitutional morality, therefore, serves as the ethical bridge between constitutional ideals and social realities—it is the moral force that transforms formal democracy into substantive justice.

Judicial Recognition and Expansion

In contemporary judicial discourse, the Supreme Court has resurrected and revitalised the doctrine of constitutional morality to address complex social and moral questions. The doctrine first gained prominence in *Government of NCT of Delhi v. Union of India*, where the Court held that constitutional morality obliges all organs of the State to respect the distribution of power enshrined in the Constitution. The Court observed that democracy thrives not merely through elections but through respect for constitutional boundaries and cooperative federalism.

In *Navtej Singh Johar v. Union of India*, Justice D. Y. Chandrachud eloquently described constitutional morality as the "beacon that guides the path of the Constitution," insisting that individual dignity cannot be subordinated to the prevailing morality of society. Similarly, in the *Sabarimala* case, *Indian Young Lawyers Association v. State of Kerala*, the Court invoked constitutional morality to challenge religious practices that discriminated on the basis of gender. By doing so, the judiciary reaffirmed that the Constitution—not social custom—must serve as the ultimate arbiter of moral legitimacy.

However, the deployment of constitutional morality has also sparked debate. Critics argue that it risks transforming the judiciary into a moral arbiter of social change, potentially

undermining democratic pluralism. Yet, as several scholars observe, constitutional morality does not impose uniformity—it seeks to preserve dignity and equality within the framework of democratic tolerance. Properly understood, it does not replace social morality but refines it through the lens of constitutional values.

Social Justice as a Living Constitutional Principle

The principle of social justice is both the moral and structural core of the Indian Constitution. It informs the interpretation of Fundamental Rights and Directive Principles alike, creating a continuum between individual freedoms and collective welfare. In *Indra Sawhney v. Union of India*, the Supreme Court upheld reservations in employment as a legitimate instrument of distributive justice, emphasising that equality must be substantive rather than formal. This marked a decisive departure from the classical liberal notion of equality, recognising that true justice requires the removal of structural disadvantages.

The Court has also extended the social justice mandate into environmental and gender jurisprudence. In *Vishaka v. State of Rajasthan*, it framed guidelines against sexual harassment at workplaces, invoking Articles 14, 15, 19, and 21 as guarantees of gender dignity. Likewise, in *M. C. Mehta v. Union of India*, it recognised environmental protection as part of the right to life, thus linking ecological balance with human well-being. These decisions reflect an expansive moral reading of the Constitution—one that situates law within the matrix of human development and collective ethics.

Constitutional Morality in Contemporary Context

In modern India, constitutional morality serves as a counterbalance to populism and majoritarian politics. The moral authority of the Constitution depends on the willingness of both institutions and citizens to privilege principles over prejudice. As political rhetoric increasingly tests the limits of constitutional restraint, the judiciary's invocation of constitutional morality becomes a safeguard against arbitrary power.

However, this reliance also demands introspection. Judicial pronouncements must remain anchored in constitutional text and principle, not personal ideology. As Justice R. F. Nariman observed, the judiciary's legitimacy lies not in activism for its own sake but in fidelity to the moral compass of the Constitution. The enduring challenge, therefore, is to harmonise moral reasoning with institutional discipline—to ensure that constitutional morality remains a collective ethical commitment rather than a judicial monopoly.

In essence, constitutional morality and social justice are not separate streams but converging currents within India's constitutional tradition. Together, they animate the living Constitution, transforming its ideals into lived realities. They remind us that justice, in the Indian sense, is not only a matter of rights but of relationships—between the State and the individual, and among citizens themselves.

Contemporary Judicial Trends and Challenges

As India enters the seventy-fifth year of its constitutional journey, the judiciary's interpretative role has grown increasingly complex. The contemporary constitutional landscape is marked by rapid social change, technological transformation, and shifting political narratives. Against this

backdrop, judicial trends reveal both continuity with the Constitution's transformative ideals and new tensions concerning the balance between individual liberty, social order, and institutional accountability.

The judiciary's approach today oscillates between restraint and activism, tradition and modernity. It seeks to preserve the constitutional promise of justice while adapting to unprecedented challenges such as digital surveillance, hate speech, environmental degradation, and gender justice. These developments highlight the Constitution's continuing relevance as a moral and normative compass in a rapidly evolving democracy.

The Expanding Horizon of Privacy and Technology

One of the most significant constitutional developments in recent years has been the judicial recognition of privacy as a fundamental right. In *Justice K. S. Puttaswamy (Retd.) v. Union of India*, a nine-judge Bench of the Supreme Court unanimously held that the right to privacy is intrinsic to life and personal liberty under Article 21. The judgment, authored by Justice D. Y. Chandrachud, underscored that privacy is not merely a civil liberty but a condition for the exercise of autonomy and dignity—the core of constitutional morality.

This decision has profound implications in the age of digital governance and data surveillance. While the Aadhaar project was later upheld with certain restrictions, the debate surrounding state surveillance, data protection, and informational privacy continues to test the limits of constitutional jurisprudence. The Court's challenge lies in reconciling the demands of national security and technological governance with the individual's right to informational self-determination.

The Puttaswamy verdict thus marks a decisive moment in the evolution of Indian constitutional law—it demonstrates that the Constitution's moral vocabulary remains capable of addressing the ethical dilemmas of the digital age.

Freedom of Speech and Democratic Discourse

The right to free speech under Article 19(1)(a) has always been central to India's democratic framework, yet it has also been one of the most contested freedoms. The judiciary continues to grapple with defining the boundaries of expression in an era of political polarization and digital misinformation.

In *Shreya Singhal v. Union of India*, the Supreme Court struck down Section 66A of the Information Technology Act 2000 as unconstitutional, reaffirming that vague and overbroad restrictions on speech are incompatible with democratic liberty. The judgment celebrated free expression as the "foundation of all freedoms," aligning constitutional interpretation with global human rights standards.

At the same time, the Court has acknowledged that speech cannot be entirely unregulated. In *Pravasi Bhalai Sangathan v. Union of India*, it recognised the dangers of hate speech but left the question of legislative intervention to Parliament. This judicial deference has been both praised as restraint and criticised as abdication, reflecting the broader dilemma of how to protect expression without enabling harm.

Recent jurisprudence, especially during the pandemic and political protests, has further emphasised the judiciary's role as the guardian of dissent. In *Anuradha Bhasin v. Union of India*, the Court held that freedom of expression and the

right to access the internet are integral to democratic participation, urging proportionality in state-imposed restrictions. The challenge ahead is to ensure that the digital public sphere remains a space for deliberation rather than domination.

Gender Equality and Transformative Justice

The judiciary's evolving engagement with gender rights reflects the transformative promise of the Constitution. From the Vishaka guidelines to the decriminalisation of same-sex relations in *Navtej Singh Johar*, and the affirmation of women's entry into Sabarimala, the Court has consistently interpreted equality in substantive terms.

In *Joseph Shine v. Union of India*, the Supreme Court struck down the adultery law under Section 497 of the Indian Penal Code, holding it to be a relic of patriarchal morality inconsistent with constitutional values of autonomy and dignity. Similarly, in *Shayara Bano v. Union of India*, the Court invalidated the practice of triple talaq, reaffirming that religion cannot shield practices that violate fundamental rights.

These judgments demonstrate that gender justice is not an ancillary goal but a constitutional imperative. They reaffirm that equality, in the constitutional sense, entails dismantling the structural barriers of patriarchy, caste, and class. Yet, despite progressive jurisprudence, implementation remains a formidable challenge—especially where social prejudice and institutional inertia persist.

Environmental Justice and Sustainable Development

The Court's environmental jurisprudence continues to exemplify the Constitution's moral reach beyond conventional rights discourse. Building on earlier decisions such as *M. C. Mehta v. Union of India* and *Vellore Citizens Welfare Forum v. Union of India*, the Supreme Court has integrated the principles of sustainable development, polluter pays, and intergenerational equity into constitutional interpretation.

In *T. N. Godavarman Thirumulpad v. Union of India*, the Court expanded its jurisdiction to oversee forest conservation, demonstrating an activist approach to ecological governance. However, critics argue that excessive judicial intervention in environmental matters risks blurring the separation of powers. Nevertheless, the Court's environmental jurisprudence remains one of the most innovative expressions of social justice, extending constitutional protection to the very conditions of life.

The Challenge of Constitutional Morality in Politics

In contemporary India, the moral legitimacy of constitutional institutions faces increasing strain. The politicisation of constitutional offices, erosion of parliamentary debate, and rise of populist rhetoric threaten to dilute the spirit of constitutional morality. The judiciary, therefore, occupies a delicate position—acting both as a counter-majoritarian check and as a guardian of institutional integrity.

Cases concerning electoral disqualifications, judicial appointments, and the independence of constitutional bodies illustrate the judiciary's enduring responsibility to uphold the principle of accountability. The Judges' Cases trilogy, culminating in the NJAC decision, reasserted the importance of judicial independence as part of the Constitution's basic structure. Yet, the debate over

transparency and accountability in judicial appointments continues to animate constitutional scholarship.

Ultimately, the vitality of constitutional democracy depends not only on judicial pronouncements but on a collective culture of constitutionalism. As Ambedkar warned, institutions, however well-designed, can be rendered powerless by a lack of constitutional morality. The judiciary's contemporary role, therefore, is to serve as both interpreter and exemplar—to model the values it seeks to enforce.

The Way Forward

The future of constitutional justice in India will depend on how effectively the judiciary balances its moral mission with institutional discipline. As new challenges emerge—artificial intelligence, data manipulation, climate displacement, and political polarisation—the Court's interpretative ethos must remain rooted in the Constitution's moral core while embracing contextual flexibility.

The living Constitution endures not because it changes everything, but because it guides how change occurs. Its power lies in its ability to transform political conflicts into moral conversations. In this sense, the judiciary remains not merely the guardian of the Constitution, but its conscience.

Conclusion and Reflections

Seventy-five years after its adoption, the Indian Constitution continues to serve as the moral and political foundation of the world's largest democracy. It stands as a living testament to the transformative vision of its framers—one that sought to marry the rule of law with the pursuit of social justice, and formal democracy with substantive equality. The Constitution's endurance lies not in its rigidity but in its moral elasticity—its ability to evolve through judicial interpretation, adapt to societal change, and preserve its core principles amid political turbulence.

At the same time, the contemporary constitutional landscape presents profound challenges. The increasing concentration of power, threats to institutional independence, and the politicisation of constitutional offices risk undermining the delicate balance envisioned by the framers. Moreover, the rapid technological and social transformations of the twenty-first century—artificial intelligence, data surveillance, and digital misinformation—demand new interpretations of liberty and accountability. The task of the judiciary, therefore, is not only to defend the Constitution against external encroachments but also to reinterpret its ideals in ways that sustain their moral coherence in a changing world.

The doctrine of constitutional morality provides a guiding light in this endeavour. It reminds us that the Constitution is not merely a legal framework but a moral covenant. Its legitimacy depends not solely on the authority of the courts or the enactments of Parliament, but on the collective conscience of the people. As Dr. B. R. Ambedkar warned, the success of constitutional democracy depends less on the structure of the Constitution than on the virtue of those who implement it.

The judiciary's continued commitment to social justice, gender equality, and environmental protection demonstrates that the Constitution's transformative potential remains vibrant. Yet, this potential can only be realised through dialogue—between law and society, rights and responsibilities, and citizens and institutions. The living

Constitution thrives on this dialectic; it is an ongoing conversation between the ideal and the real.

Ultimately, the story of India's Constitution is not a story of perfection, but of perseverance. It is the story of a nation that has sought to reconcile liberty with equality, faith with reason, and change with continuity. The challenge of the future is, therefore, the challenge of constitutional citizenship—to nurture a culture where every individual and institution embodies the spirit of justice, liberty, equality, and fraternity. Only then can India truly realise the promise of its living Constitution: a document not merely of governance, but of conscience.

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