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Constitutional Morality vs. Social Apathy: A Critical Analysis of Rights Realization in India

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Abstract

The Indian Constitution is a vision of democracy: it is based on rights and freedom, human dignity, justice, and individual rights. But the existence of constitutional guarantees does not guarantee success in life; we can only go so far in our life history. In this paper, we examine the conflict between constitutional morality and social apathy as two contradictory forces that play a role in the achievement of rights in India. The constitutional morality of the values, principles, and institutional commitments contained in the Constitution has come to be seen in judicial discourse to safeguard individual rights, dignity, equality of people, and minority rights in this context of the Constitution as an alternative to the dominant social system and the majoritarian values in terms of how people are governed and treated. But social apathy—indifference to human rights violations, the lack of knowledge about the Constitution, social prejudice, and the normalization of inequality, for instance—is often a fundamental disconnection between constitutional promises and actual lives. This rights-reality gap is discussed in the paper in terms of constitutional provisions, judicial developments, and some socio-legal cases where vulnerable and marginalized communities have been affected. While judicial intervention is of critical importance to the development of constitutional morality in India, courts alone cannot change the culture or the way we see rights and the dignity of others. What constitutionalism really does is to internalize the concepts of the Constitution into society, and we have to have institutional accountability, constitutional literacy, civic participation, responsive government, and a civil society. As it says in the paper, the long-term success of India's constitutional project is not only through the enforcement of rights but also through a constitutional culture in which citizens, institutions, and social groups recognize and respect others' rights and dignity.

Keywords: Constitutional Morality; Social Apathy; Fundamental Rights; Rights Realization; Constitutionalism; Human Dignity; Social Justice; Judicial Activism; Indian Constitution; Constitutional Culture.

1. Introduction

The Constitution of India is not just a legal document that sets up government institutions; it is a normative project that aims to change the social and political conditions of Indian society. It is in line with justice, liberty, equality and fraternity and strives to create a democratic system in which human dignity and genuine equality are protected from arbitrary state action and the structures of social domination. The Constitution then acts as a tool for democratic power as well as social change. The Constitution, the Directive Principles of State Policy, constitutional remedies and the broader architecture of democratic accountability all work together to turn constitutional ideals into meaningful citizenship. But rights and socialization are not the same. A right may exist as a legally enforceable constitutional guarantee, but is inaccessible, ineffective or substantially compromised in practice. The persistence of caste-based exclusion, gender discrimination, religious prejudice, socio-economic marginalization, violence against vulnerable communities, barriers to access to justice, and lack of understanding of constitutional entitlements still exist as evidence of how far constitutional promise and lived experience is from a single voice. This raises a fundamental question: Does constitutionalism work in a society so stratified? Can a constitutional guarantee work when a large part of society is not concerned about the rights of others? It is in this context that constitutional morality is at the heart of social apathy. What is constitutional morality and how do we know if a constitutional morality is the right one? It demands constitutional principles to be adhered to even when they go against popular prejudice, established habits and political preferences. Since the independence of India and the Constitution in 1947, the concept of social apathy has been of great interest in Indian constitutional courts where courts have used constitutional principles to protect individual autonomy, equality, dignity, privacy and minority rights when the dominant social morality conflicts with those of the Constitution. Social apathy is a very different phenomenon. It can be viewed as being indifferent, either collectively or individually, to violation of rights, discrimination, injustice and the suffering of groups who are socially or politically distant from oneself. It's very much a passive phenomenon. Not only do rights get violated by individuals or groups but society also tolerates, ignores, normalizes or fails to respond adequately to them. In this sense, indifference can be an indirect way of ensuring that constitutional rights are recognized but not actually practiced. The relationship between these two forces is one of the central issues in the Indian constitutional experience. In this context, constitutional morality is to put constitutional principles above social prejudice, but social apathy may allow unconstitutional or arbitrary practices to persist through silence, normalization and insufficient collective resistance. The conflict isn't just between law and society. It's between a constitutional concept of citizenship based on equal dignity and rights and social structures which continue to reproduce hierarchy, exclusion, and indifference.

1.1 Background and Significance of the Study

The Indian constitution was the product of colonial rule, partition and social injustice such that caste and gender hierarchy was built on top of each other in Indian society. The founders of the Constitution were therefore faced with a paradox: to establish democratic institutions in a society that is very unequal to them. The Constitution's guarantees of equality before law and equal protection of laws, non-discrimination, freedom, life and personal liberty, protection from exploitation, freedom of religion, cultural and educational rights and constitutional remedies reflect this agenda. Fundamental Rights therefore go well beyond their role as restraints on the state. They establish minimum conditions for equal citizenship. Article 14 is for equality; Articles 15 and 16 are for freedom from discrimination, for equality of opportunity; Article 17 is for the abolishing of untouchability; Article 19 is for civil freedoms and Article 21 is about the conditions that are necessary for a dignified life. The Supreme Court's constitutional jurisprudence has deepened the practical meaning of these provisions as it has developed doctrine on substantive equality, dignity, privacy, environmental protection, livelihood, legal aid and procedural fairness. But formal constitutional guarantees operate in a social context that cannot always mirror constitutional principles. The Constitution may prohibit untouchability, but social discrimination can persist through less visible forms of exclusion. The Constitution may offer equality, but structural inequalities may prevent people from exercising that equality effectively. The law does protect freedom of expression, but social intimidation will deter people from exercising it. And constitutional recognition of dignity and autonomy is a living thing, but if you are in a society that is trying to regulate your decisions about marriage, who you love, who you are, what you want to do, you will find there are a lot of people who are not being able to choose, and what you want to do? As a result, rights realization is not a one-off process: it takes more than constitutional text and judicial enforcement. It is dependent on legislation, administration, institutional capacity, access to justice, public consciousness, social attitudes, economic resources and the will of citizens and institutions to recognize the rights of others. A constitution can provide an entitlement but that enjoyment is governed in a social and institutional manner. It is hence important to study constitutional morality to understand how constitutional values can serve as a counter-majoritarian and transformative standard. If constitutional morality is to be implemented, constitutional actors must remain committed to values irrespective of popular opinion or social norms that go in the other direction. It is more important for minorities and the vulnerable where democracy is at stake when democratic majorities can be biased to a great extent that they cannot simply determine whether one right is right or not in line with the law by their numerical preference. At the same time, the need to focus on constitutional morality has a way of obscuring the social conditions of the realization of rights. The courts can invalidate unconstitutional laws, interpret rights in a broad way and give directions to the public, but they cannot eliminate prejudice, change social attitudes and make sure people do what they want every day. The transformation of constitutional morality is at least partly a matter of whether constitutional values are embedded in society and institutional practice. Social apathy is a useful lens through which to view this neglected dimension. When rights violations are not a high level of public concern, the constitutional commitment to dignity and equality may be limited to legal institutions. If we see rights as belonging only to certain groups and not as universal guarantees of citizenship, then the culture that is necessary for constitutional democracy is weakened. To realize rights we need not just protect individuals from the State

but to create a culture where discrimination and exclusion are actively questioned and not accepted as part of the norm.

1.2 The Constitutional Morality–Social Apathy Problem

The main problem of this paper is the obvious contradiction between the normative aspirations of the Constitution and the situation in which those aspirations must exist. Constitutional morality is the belief that constitutional values are normative even if they do not reflect what popular opinion is about. Social apathy, on the other hand, can allow the socially accepted behavior and prejudice to go unchallenged. This tension is often most evident in rights for vulnerable or unpopular groups, and is most pressing when social acceptance is weakest. If the protection of a constitution were conditional on social approval, people with minority rights, dissenters, the marginalized and stigmatized people would be subject to the majoritarian preferences of the society. So constitutionalism requires a distinction between what society is willing to accept and what the Constitution requires. The Supreme Court's development of constitutional morality is a perfect example. In equality, dignity, privacy, sexual orientation, freedom of choice, religious freedom and gender justice, constitutional courts have increasingly stressed that basic rights can't be subordinate to social morality. The constitutional order places limits on the power of majoritarian power, and makes the individual the bearer of rights whose dignity is not dependent on society's approval. But this judicial evolution is also an institutional question. How far can constitutional morality go beyond the courtroom? If constitutional principles are articulated by courts but not widely accepted by citizens, public institutions, education systems and social organizations, there may be a gap between constitutional jurisprudence and social reality. This can result in constitutional dualism, in which rights are articulated in a very strong way on the doctrinal levels but are not well understood at the social level. The problem is made worse by social apathy being not uniformly distributed. Individuals with larger social, economic, educational, or institutional resources may be more likely to insist on constitutional rights and seek remedies. Meanwhile, marginalized people may be unable to achieve justice because they are informally, financially, geographically, linguistically, culturally and socially constrained. Thus, rights are not universal; rights realization is situated in a relation between constitutional norms, institutional enforcement, and social responsiveness. Constitutional morality is the normative basis; institutions provide enforcement and society determines, to a large extent, whether constitutional values are accepted, contested, ignored, or normalized in everyday life.

1.3 Research gap and reasoning

There is a lot of scholarship on Indian constitutionalism as it is currently written on constitutional morality, judicial review, transformative constitutionalism, Fundamental Rights and the role of courts in defending the rights of the marginalized. In the same vein much of the literature has reviewed social exclusion, inequality, discrimination, democratic participation and barriers to justice. But less attention has been paid to the link between constitutional morality and social apathy as the basis for rights realization. Much of the constitutional morality debate has been focused on its judicial meaning and legitimacy. In the course of these discussions we have seen questions of ethics, whether constitutional morality is an appropriate

judicial standard, how it is in line with popular morality, and whether its invocation risks expanding judicial power. These are important, but they do not address the social conditions under which constitutional rights are applied and how well-functioning. As much as all things to do with what is wrong with social inequality are as if they were material deprivation, institutional discrimination, social prejudice or structural disadvantage, they are all important aspects of social inequality because all of them are important but so is public indifference. A society might have laws against discrimination but continue to tolerate discrimination and prejudice, so there is no reason to be open to it. So the failure of rights realization cannot always be explained by deficiencies in law and institutional design. In this paper, we attempt to bridge this gap by integrating constitutional morality and social apathy in a common perspective. It asks if constitutional morality can be a powerful force when the social environment is not in line with constitutional rights. It also considers whether the constitutional project is at risk of moving from rights protection as an institutionally based privilege to rights realization as a shared constitutional obligation. The reason for this approach is that we need to understand constitutional democracy more generally. A constitution cannot be sustained solely through courts and governments. It also depends on constitutional culture: the willingness of citizens and institutions to respect disagreement, recognize equal dignity, oppose discrimination and accept limitations upon majoritarian power. Where such a culture is weak, formal constitutional protections may coexist with persistent social injustice.

2. Conceptual and Constitutional Foundations

The discussion of constitutional morality and social apathy must begin with an understanding of the constitutional values that are at the heart of the Indian democracy. Just because laws are written, constitutional morality is not a narrow concept of what's right or wrong but a more general commitment to the standards, institutions, limitations on power and citizenship that are embedded in the Constitution. On the contrary, social apathy is the failure of individuals and communities to take a positive stance against violations of rights and discrimination, exclusion, injustice. These two concepts are especially relevant in a constitutional democracy in which formal guaranteed rights need to be operated in a society in which there is substantial social, economic, cultural and political diversity. The Indian Constitution is an institutional framework to maintain individual liberty and to enable social change. The Preamble sets out justice, liberty, equality and fraternity as the fundamental goals, and the Fundamental Rights provide for firm prohibitions against certain forms of State action and discrimination. The Directive Principles of State Policy point out more general goals of social and economic transformation and the Fundamental Duties centre on how citizens should be trained in constitutional citizenship. Taken together, these provisions suggest that the constitutional project is not just about the relationship of the individual to the State but about the democratic social order based on dignity, equality and mutual respect.

2.1 Constitutional Morality: The meaning and evolution

The phrase "constitutional morality" refers to adherence to the fundamental values and structural tenets of constitutional order. It is about the exercise of public power within constitutional limits and in relation to principles that may not be in good faith with the

immediate political majority or social order. So constitutional morality differs from common sense and common morality and from the usual or conventional morality. In what we call social morality in the sense that it reflects the attitude, norms, beliefs and practices of a particular society in a certain sense, constitutional morality derives its authority from the Constitution and the commitments of it itself. The intellectual origin of the concept is associated with the nineteenth-century British constitutionalist George Grote who used it to describe the attitude and practice of constitutional government in the context of the feelings and practices. In the Indian context, however, the concept had some very different normative bearing because the Constitution was the one that made it possible to change it. The Indian constitutional order was designed in a period where social hierarchy and exclusion could not be accepted as acceptable forms of social order. Therefore, constitutional morality is very important in situations where constitutional principles would be necessary to challenge the practice of tradition, custom, social prejudice or majoritarian sentiment. Second, it needs to respect human dignity and autonomy, especially when people belong to socially vulnerable or unpopular groups. Third, it needs to be a commitment to equality and non-discrimination, as well as to break down the entrenched layers of exclusion from formal equality. Fourth, it needs to be institutional restraint and responsibility so that constitutional authority will not be turned into arbitrary power. And finally, there is the need for pluralism: constitutional democracy must accommodate dissent, diversity, and competing ideas of the good life. And this is an idea that has come to the forefront of Indian constitutional law because the Constitution can require courts to defend individual rights when the law is challenged by social or majoritarian forces. In this regard, constitutional morality serves a counter-majoritarian function. Democracy under the Constitution cannot be reduced to the principle that whatever a numerical majority wants is constitutionally permissible. Democracy, as the Constitution says, has serious limits to the power of majoritarian power and human dignity in our democracy. And the Supreme Court's approach to constitutional morality has thus grown on the horizon in a new way. In *Manoj Narula v. Union of India* the Court focused on constitutional morality in relation to constitutional governance and constitutional actors' obligations. In *Navtej Singh Johar v. Union of India*, constitutional morality was employed to safeguard individual autonomy, dignity, equality and sexual orientation from a social morality that put them at risk. In *Joseph Shine v. Union of India*, the court had to weigh the dignity, equality and individual autonomy of a person and the constitutionality of adultery law. In *Indian Young Lawyers Association v. State of Kerala*, constitutional morality was integral to the discussion on equality, dignity, religious practices and exclusion. And in many of these cases, constitutional morality was used as a bridge between constitutional text and social reality. It is the means by which the constitutional interpretation can still be responsive to the transformative purposes of the Constitution, but not only social acceptance. At the same time, the concept is contested. At least some people believe that constitutional morality leaves courts with more interpretative discretion than democratic decision making is due to its absence-making powers and that unelected judges are entitled to choose what constitutional values are right despite democratic choices to make. It is not something we can dismiss simply by stating that. The ethical morality in the future would be applied in good faith in the case of constitutional text, structure, history, rights, institutions and interpretative philosophy.

2.2 Constitutional Rights and the Architecture of Rights Realization

The Constitution is most clearly about rights as it is in Part III, with Fundamental Rights. Rights are the most basic means through which we can challenge unconstitutional State action. The constitutional conception of rights is not a matter of individual restrictions, but a larger constitutional architecture that is designed to provide equal citizenship and human dignity. Article 14 sets up the basic principle of equality before the law and equal protection of the laws. Articles 15 and 16 of the Constitution take this into account by talking about discrimination and equality of opportunity. Article 17 is one of the most revolutionary ones - it does not just keep the untouchable thing in place, but it makes it legal. Articles 19 and 21 protect fundamental aspects of freedom and personal liberty and Article 32 is only a constitutional remedy for the enforcement of Fundamental Rights. The significance of these provisions has been profoundly elevated through judicial interpretation. Article 21, in particular, has evolved from a narrow protection against deprivation of life and personal liberty to a broad constitutional guarantee that covers all aspects of being dignified. The Supreme Court's decisions on privacy, livelihood, legal aid, environmental protection, education, bodily autonomy and personal dignity demonstrate how constitutional interpretation can turn basic meanings into concrete consequences. This is a case in point of rights recognition and rights realization. In the legal system, recognition is that one knows when something is an entitlement and how to take advantage of that. In between then there are different institutional and social conditions. A person may have a constitutional right to equality but not be able to fight discrimination because of poverty, lack of legal knowledge, fear of retaliation, geographical barriers, social pressure and ineffective institutional mechanisms. Similarly, the existence of constitutional remedies does not mean that every rights-holder has the same practical power to exercise it. Therefore, the realization of rights is influenced by at least four interconnected dimensions: (1) Normative recognition, the constitutional and legal recognition of the right; (2) Institutional enforceability, courts, administrative bodies, commissions and other enforcement mechanisms; (3) Material accessibility - the social and economic conditions that allow people to exercise the right; and (4) Social legitimacy - the degree to which the exercise of the right is respected, not stigmatized, obstructed or punished by society. The fourth dimension is particularly relevant to the present study. A constitutional right may be legally enforceable but socially contested. When social attitudes stigmatize individuals who exercise constitutionally protected freedoms, formal legal protection may provide only partial security for them. This is where constitutional morality encounters social apathy.

2.3 Social Apathy and the Rights–Reality Gap

Social apathy is not the same as active opposition to rights. A person can not violate one's rights directly, but actively support others' rights—or be indifferent when injustice occurs. This passive aspect is important, since constitutional democracy is not just about not having wrongdoing but about having a social willingness to recognize injustice and to react to it. For the purposes of analysis, we can say that social apathy is a condition of indifference, passivity, normalization, or lack of collective response to rights violations and social injustice. It can be at the individual, community, institutional, and broader level. At the individual level, apathy may be because of a lack of awareness, fear, prejudice, social conformity, or the impression

that the violations of others are unrelated to one's own interests. At the community level, discrimination can be normalized by tradition or silence. At the institutional level, repeated complaints may not get enough attention such that rights violations are considered to be a standard, not a special event. At the societal level, chronic exposure to inequality or violence can lead to desensitization, and the urgency of collective responses to them may dim. Social apathy is particularly important in systems of structural inequality. Members of socially superior and underprivileged groups may have less motivation to challenge processes that harm the poor. Those who are marginalized might pay a substantial price for demanding their rights. It is this asymmetry that results in discrimination even in the absence of formal legal prohibitions. The phenomenon has a constitutional dimension too. Fundamental Rights are commonly considered claims that individuals can make against the state. But constitutional democracy also creates an atmosphere of equal citizenship. If society does not pay attention to the rights of others, then in practice constitutional guarantees depend on the willingness and capacity of individuals to defend their rights. That puts a burden on those already disadvantaged. Thus the rights-reality gap can be described as follows: Constitutional guarantee → Institutional enforcement → Social acceptance → Legalization of Rights. The final result can be affected by a failure at any stage. Strong constitutional provisions without effective enforcement are formalism. Good courts without institutional compliance are implementation deficits. Without social acceptance, rights holders are still subjected to social stigma or informal coercion. On the other hand, social acceptance without enforceable legal rights leaves people vulnerable when social attitudes change or when powerful actors ignore constitutional norms.

2.4 Constitutional Morality versus Social Morality

The relationship between constitutional morality and social morality is central to our concern. Social morality reflects what is in common with the common social standards within a community, whereas constitutional morality is a normative framework of standards that have to be judged against which social standards must be measured. These two can be compatible, but they do not have to be. And constitutionalism only exists because human rights tend to be designed to protect people from the effects of majoritarian social preferences, and it would be a shortcoming of social morality if every social practice was accepted simply because of how it was accepted. And constitutional morality is thus a corrective mechanism for society to check social practice in terms of equality, dignity, liberty and constitutional justice. The Supreme Court's decision in *Navtej Singh Johar* is a particularly clear case study. The Court rejected the notion that criminalization of consensual same-sex relations could be justified only on social morality-based grounds. The ruling then focused on constitutional morality as a way to protect human dignity and independence from majoritarian social attitudes and the constitutional position was so different from what might have been the social position. In *Joseph Shine* the Court's decision on adultery laid bare the constitutional importance of individual autonomy and equality in relationships. The constitutional question was not whether a particular social arrangement was accepted but whether it was compatible with constitutional principles. What is more important is not the specific circumstances in which the doctrine has been applied but the general point that constitutional rights cannot be determined by popularity. A right that

exists only when socially acknowledged is not a secure constitutional right. But constitutional morality is not a demand that courts ignore society altogether. The process of constitutional law takes place in a democratic system and courts need to keep an eye on institutional competence, democratic accountability, social context and judicial power. So the challenge is to retain constitutional supremacy and not make constitutional morality into a free and undisturbed tool for judicial policy-making. The transformative potential of constitutional morality is inherent in the nature of this Indian Constitution itself. Unlike a purely procedural constitution that is mainly set up for government purpose (for the benefit of government and politics alone), the Indian Constitution makes its commitments to social change explicit. The constitutional order not only seeks to preserve the existing social order but to bring about social change. This transformative vision of the Constitution is behind the development of the doctrine of transformative constitutionalism in India. And the Constitution is a tool that challenges the existing hierarchies and expands citizenship in practice. This project is inspired by constitutional morality because constitutional morality is a normative foundation for resistance to practices that are socially accepted and, of course, are socially and legally problematic. The transformative function of constitutional morality is especially significant for vulnerable groups. Traditional social relationships are not all one-sided and power distribution is often divided up unequally when it comes to inequality and rights are used to provide a normative basis for these ideas and practices as well. But if those arrangements are allowed to determine the definition and scope of rights, constitutional equality can become something more formal. The question for constitutional morality is that when institutions need to consider whether existing practices are in line with equal citizenship and human dignity, they must examine whether they can be compatible with the values of rights for all. But it isn't that every social practice is to be eradicated because it's traditional. Tradition can coexist with constitutionalism as long as we do so. The question is not whether a particular practice violates constitutional rights or undermines constitutional obligations. Therefore, constitutional morality makes it possible to differentiate between cultural pluralism and practices that reinforce exclusion or unequal citizenship.

2.5 The Role of Institutions in Converting Constitutional Values into Social Reality

The Constitution gives us rights protection responsibility to a number of institutions. Courts give us the authority to interpret and to bring about an appropriate remedy; legislatures make laws and policies; independent constitutional and statutory bodies monitor compliance; educational institutions shape constitutional knowledge; and civil society organizations often help vulnerable people to express their rights. Such institutional diversity is important because the realization of rights is not possible in courts alone. In general, courts are reactive: a dispute must be brought before the courts before a remedy can be granted. But many rights violations never get to courts because victims often do not have the knowledge, resources, representation or confidence in the justice system. In short, institutional mechanisms are indispensable outside the courtroom. But the judiciary is in a unique situation in that it is able to interpret what is in the Constitution and invalidate laws and State actions as inconsistent with Fundamental Rights. In a court, by judicial review, people can be assured that political majorities don't stray from the constitutional limits of society. But courts are limited by their own structural limitations:

They are not able to police every aspect of social life at once, and the decisions cannot be made in court without the administrative work of the courts and institutional compliance. This also supports the central takeaway from the present paper: constitutional morality must function in an ecosystem of institutions, not just through the words of the courts. The more institutional mechanisms to translate constitutional values into administrative and social practice, the better rights will be in operation beyond the courtroom.

2.6 From constitutional rights to constitutional citizenship

Rights protection is not simply the result of good judicial decisions; however, it's the creation of conditions in which people are able to participate in society as equal citizens. That is why constitutional citizenship is a matter of rights and responsibilities. Citizens have a right to sue the State and other bodies, but democratic constitutionalism also deserves respect for the dignity and rights of others. This is especially true of Article 51A, which sets out Fundamental Duties. Fundamental Duties are not in the same legal and enforceability category as Fundamental Rights but the same in their sense of being about constitutional values, public harmony, scientific temper, and the protection of the environment, among others. That we have such duties implies that the constitutional project is not one of a personal and individual case. The idea of constitutional citizenship thus serves as a bridge between constitutional morality and social responsibility. A constitutional culture develops when constitutional values become part of the everyday practice of people and are not restricted to law. A culture of respect for equal treatment (for equality, for diversity, for dissent, for individual freedom, for marginalized groups) is the manifestation of such a culture. Social apathy is the opposite of this culture because it makes constitutional rights individual claims. On the other hand, constitutional morality invites citizens and institutions to view constitutional rights as interlocking and intertwined, as part of a common democratic order. The answer is to go from being a rights-bearing citizen to being a constitutional citizen—a citizen who not only asserts constitutional protection for himself but recognizes the constitutional personhood and dignity of people. The transition is necessary if the Constitution is to be a living instrument for social transformation, not just a formal legal document. As such, constitutional morality is a counter to social apathy in the constitutional project. Constitutional morality seeks to deepen constitutional commitments by placing dignity, equality, liberty, and fraternity at the centre of public life. Social apathy, whether through silence, indifference, normalization, or indifference, can weaken the practical force of those commitments. Rights in India thus need to be made clear and institutionalized to make the difference between constitutional norms and social practice and the gradual incorporation of constitutional values into society.

3. Constitutional Morality and the Realization of Rights in India

In the context of Indian constitutional adjudication, constitutional morality is more and more important than ever when it comes to individual rights and what can happen when social structures or popular values clash with the values that most people practice. It is an important principle that constitutional democracy requires far more than a uniform allegiance to numerical majorities and popular sentiment; it requires public institutions to defend constitutional principles even in the face of social norms and values that are deeply rooted in

our society. The Indian constitutional framework is a great source for this sort of approach. The guarantees of equality, liberty, dignity, freedom of religion, and personal autonomy are not just words; they are also real, and they are standards for what laws and State actions should be measured against. These guarantees have become more and more meaningful and interpretable in judicial terms as constitutional law is developed in response to evolving notions of dignity and equality.

3.1 Judicial Development of Constitutional Morality

The Supreme Court has made remarkable attempts in defining constitutional morality as an interpretative tenet. In the *Manoj Narula v. Union of India* case, it was linked to responsible constitutional administration and the responsibility of constitutional bodies to act according to constitutional principles. This tenet was mostly seen in cases related to personal liberty and equality. In the *Navtej Singh Johar v. Union of India*, the Supreme Court asserted that constitutional morality has to be upheld and the morality of social norms should not be treated as the lowest form of fundamental rights. The Court accepted that personal dignity and liberty cannot depend on society's approval. The issue of adultery law was raised in the *Joseph Shine v. Union of India* case associated with principles of equality, dignity, and personal freedom. In the *Indian Young Lawyers Association v. State of Kerala* case, the concept of constitutional morality was viewed through the prism of equality, dignity, cult practices, and exclusions. The ruling opened the issue of the delicate balance between constitutional adjudication and its place with respect to social and/or religious traditions. These court rulings also indicate the extensive movement towards transformative constitutionalism where one requires constitutional interpretation.

3.2 Constitutional Morality and Individual Dignity

The role of constitutional morality in connection with dignity is crucial for rights' realization. The concept of dignity refers to the fact that individuals are recognized as autonomous beings who are capable of taking their own decisions and living their lives free from arbitrary selected oppression. Thus, the understanding of dignity is becoming increasingly important in interpreting Article 21 and other Fundamental Rights. The constitutional recognition of dignity is also very important in a situation when social practices restrict individual choices. The matter of personal relations, sexual orientation, gender identity, choice of religion, privacy, and bodily self-determination indicate that rights can be challenged not only by the actions of the State but also by the social environment in terms of expectations and pressures.

3.3 Limits of Judicial Intervention

There is no doubt about the potential importance of constitutional morality but it must be noted that it cannot achieve complete realization of rights. Courts are able to interpret constitutional norms, annul unconstitutional statutes, and provide relief but they can neither fully transform social beliefs nor make sure that all people comply with constitutional norms. Moreover, reliance on judicial power can lead to problems regarding separation of powers and democratic legitimacy. Thus, constitutional morality has to work within the limits of constitutional interpretation and institutional capacity. Judicial activity is most efficient when there are

administrative and legislative actions, institutional accountability, and a degree of public acceptance of constitutional values. This limitation clarifies the difference between announcing a right and enforcing it.

3.4 From Judicial Doctrine to Social Realization

Constitutional morality is intended to accomplish more than the advancement of constitutional practice; it must also guarantee the effectuation of constitutional rights. In order to achieve this goal, the principles of constitutionality must be incorporated in practice and promoted beyond the courtrooms. By ensuring the existence of constitutional awareness, access to justice, accountability of public institutions, and participation of citizens in these processes, we can make the implementation of constitutional morality easier. The role of civil society and educational institutions in raising awareness of constitutional rights and combating discrimination is also important. The idea of constitutional morality must be understood as a legal concept as well as a social and political ethic. Its effectiveness is measured by how far the values of constitutional law – equality, freedom, dignity and fraternity – are implemented in people's everyday life. The Indian experience shows that constitutional morality is a strong mechanism for protecting the rights of citizens from the will of the majority or from the reactions of society where the situation with rights has become the norm. However, the strength of constitutional morality will be achieved only if the constitutional principles are complemented by functioning institutions and the society recognizes rights as universal

4. Social Apathy as a Barrier to Rights Realization

Thus, one can come to the conclusion that the social setting is the decisive factor in the realization of constitutional norms. The Indian Constitution provides extensive legal measures in order to minimize discrimination, oppression, violence and other violations of rights per se, however, the indifference of society to these laws often influences the effectiveness of the laws. Therefore, social indifference serves as one of the main and rather disregarded factors of the discrepancy between constitutional expectations and the reality. Social indifference does not necessarily mean opposition to constitutional rights. It can involve passiveness, indifference, acceptance of justice and inactivity when it comes to violation of rights of another person.

4.1 Normalization of Rights Violations

When social inequality is chronic exposure to social inequality, it is repeated we may see an accumulation of practices that are inconsistent with constitutional values. The discrimination based on caste, gender, religion, disability, or socio-economic status is seen as an everyday part and parcel of social life, and not as a constitutional issue. For instance, the constitutional abolition of untouchability shows that the Constitution opposes caste-based exclusion in its entirety. But there are still discriminatory practices that are not entirely eradicated by the law—that is, legal prohibition is not going to eradicate the social attitudes and structures. The same problem occurs with gender-based discrimination and violence where formal equality may never overcome deeply rooted social expectations.

Normalization is especially problematic because it decreases the likelihood of collective resistance. When injustice becomes socially familiar, violations may receive less public attention and victims may be expected to tolerate conditions that should instead generate institutional intervention.

4.2 Constitutional Awareness and Access to Rights

A major barrier to rights realization is lack of knowledge about constitutional entitlements and remedies. There is little value to having a right if people don't know that the right exists, can't see it being violated or don't know how to make it work. Access to justice is also influenced by economic and social circumstances. Legal costs, procedural complexity, geographical distance, fear of retaliation, lack of institutional confidence, and lack of trust around the institutions may dissuade people from making legitimate claims. These are barriers that disproportionately impact the most vulnerable people and can only exacerbate existing inequities.

So constitutional literacy is not only academic knowledge. Awareness of constitutional rights is an essential part of substantive citizenship because it makes it possible for people to recognize their own rights as well as the rights of others.

4.3 Structural Inequality and Social Indifference

Social apathy cannot be separated from inequalities. Communities that do not have enough social and economic power are more likely to fight for their rights. On the other hand, privileged people are less likely to be interested in changing with practices that do not influence their lives. Inequalities create a vicious cycle of inequalities, vulnerability, and indifference towards inequality. In this case, equality is more about the principle than the reality of the right to use rights. This problem is aggravated by the perception of the violations of rights as something that concerns only a particular group, thus weakening the notion of universal rights.

4.4 Institutional Apathy

Institutional responses might also augment societal apathy. When grievances are neglected, investigations postponed, solutions unavailable, and departments unable to react the general public starts disbelieving in constitutional institutions. Institutional non-responsiveness transforms isolated violations of rights into recurrence of events. Hence, there is a strong connection between apathy of society and indifference of institutions. Apathy of the public can reduce the wish of institutions to initiate reforms, while absence of action on part of institutions may produce an impression that violations cannot be avoided or that they are insignificant.

4.5 Bridging the Rights–Reality Gap

The existence of social apathy shows that legal principles cannot only be accomplished through judicial decisions. Courts will play a crucial role in preserving rights and establishing constitutional principles, but to attain lasting outcomes, it is essential to incorporate constitutional principles into everyday life. This may be achieved through the development of legal knowledge and opportunities for citizens, as well as through institutional accountability

and civic participation. Educational institutions and civil society organizations, the media, and state institutions have an important function of developing a culture of equality where discrimination and abuses of rights are not tolerated. It is important to emphasize that the task is not to provide people with rights, but to create conditions on the basis of which they would be able to realize their rights free of fear and exclusion.

5. Constitutional Morality vs. Social Apathy: A Critical Analysis

We have seen how crucial the issue of constitutional morality in relation to social apathy is in contemporary Indian constitutional projects. The concept of constitutional morality talks about equality, dignity, liberty, and fraternity irrespective of their acceptance by society. Social apathy aids in the continuation of the injustices by remaining indifferent, silent or normalizing them. Therefore, the implementation of constitutional rights is contingent on the impact of constitutional principles.

5.1 Constitutional Ideals and Social Realities

While the Constitution aims for equal citizenship, reality is often shaped by previous power dynamics and unequal distribution of resources. This is the distinction between constitutional equality and social equality. The former is guaranteed by law while the latter requires continuous social and institutional changes in order to be achieved. The fact that discriminatory practices still exist shows that constitutional bans do not mean that social change will happen. Rights may exist but people are still subject to social exclusion, stigmatization, and economic disadvantage. The issue is not in constitutional provisions but rather in our attempts to implement these provisions in real life. Thus, constitutional morality is very important in bridging this gap by requiring institutions to assess social phenomena according to constitutional principles and not based on historical records.

5.2 Judicial Constitutionalism and Majoritarian Preferences

A key aspect of constitutional morality is that it preserves the rights of individuals in situations where they may be opposed to the will of the majority. In a constitutional democracy, the authority of the majority has to be exercised according to the constitution. It is thanks to Fundamental Rights that democracy does not turn into unrestricted use of power by the majority. The cases that the courts decide in relation to privacy, sexual orientation, equality of genders, personal autonomy, and freedom of religion illustrate the ability of constitutional morality to help individuals even when they are not supported by a large segment of society. In this way, the judiciary has a unique opportunity to serve as a counter-majoritarian body.

However, the fact that many people believe in the necessity to rely upon the judiciary creates another problem. The courts can interpret rights according to the constitution, but they cannot construct a society. A court's ruling can change the contents of law, but it may take a considerable amount of time to change people's views and institutions. This means that constitutional morality must complement democratic and social processes rather than serve as an alternative to them.

5.3 The Limits of Courts as Agents of Social Transformation

The judiciary is not as capable of transformative power as it might be thought. Courts handle disputes in the early stage and, thus, cannot address every violation of rights. Many violations do not go through formal legal avenues due to victims' unawareness, lack of resources, or distrust in institutions. Judicial remedies can fix the immediate legal problem but cannot resolve the social situation in which the violation took place. Courts can rule that discrimination is unconstitutional, but they cannot eliminate prejudice, social stigma, economic dependence, and cultural resistance. This limitation shows that the realization of rights needs a complete institutional framework which consists of legislatures, executive bodies, legal institutions, educational institutions, civil society and citizens.

5.4 Social Apathy and the Weakening of Constitutional Culture

Social apathy is even deeper because it can undermine constitutionalism's cultural foundations. A society indifferent to violations of rights to the marginalized groups may see constitutional rights as a privilege of some groups of people instead of a universal security for all. This selective understanding of rights would undermine fraternity, which the Constitution places alongside justice, liberty and equality in the Preamble. So the rule of constitutional democracy requires citizens to recognize that the violation of another person's dignity ultimately affects the integrity of the constitutional order as a whole. The lack of public concern can also reduce institutional accountability. Where rights violations do not receive sustained social attention, authorities may not be under any pressure to act effectively. So social apathy could indirectly contribute to institutional inaction.

5.5 Towards a Complementary Relationship

The idea of constitutional morality and social engagement should not be viewed as mutually exclusive alternatives, but to realize rights is to achieve it and it is important that they come together. The normative standard is constitutional morality, institutions provide enforcement mechanisms and society is the setting where constitutional values can be upheld. The aim is not to replace social morality with constitutional morality but to make sure that social behavior is compatible with constitutional principles: the people are always aware of constitutional values. Democratic participation, constitutional education, public debate and civic engagement can all help to bring this in step with the people. A mature constitutional culture is one in which citizens, rather than only asserting their rights and not only respecting other peoples', are aware that they have the right to live, and also recognize the rights of others. That's the sort of culture that doesn't depend on litigation— that allows constitutional values to operate beyond those inherent in formal legal systems. The lesson here is that constitutional morality can contend with legal or institutional manifestations of majoritarianism but it doesn't alone overcome social indifference to the rights of a country. The latter will only exist if citizens are active in the fight for equality, dignity and constitutional citizenship and are not just distracted. India's rights-realization challenge is thus a legal, institutional and social one.

6. Strengthening Rights Realization in India

It is not only judicial intervention that can bridge the gap between constitutional guarantees and their effectuation. A sustainable constitutional order based on human rights will only come true if government institutions, civil society organizations, educational institutions and citizens work together. The aim is to turn constitutional morality from a purely legal concept into a much wider culture of constitutional citizenship.

6.1 Enhancing Constitutional Literacy

Constitutional awareness is crucial for the effective realization of human rights. Proper understanding of constitutional rights enables citizens to detect violations and take steps to protect their rights in practice. To achieve this goal, constitutional education must not be limited to traditional educational programs but should encompass a variety of other civic activities.

6.2 Improving Institutional Accountability

Institutions that can promptly and fairly react to rights violations are necessary for effective rights realization. Legal guarantees do not work when actual implementation is slow and when individuals face unnecessary procedural and institutional barriers. Public authorities' increased accountability, better grievance mechanisms, availability of legal aid, and efficient functioning of constitutional and legal institutions should help create a connection between constitutional guarantees and outcomes of their implementation.

6.3 Promoting an Inclusive Constitutional Culture

At a fundamental level, constitutional morality must become part of everyday social behavior to be incorporated into society. Civil society organizations, professional institutions, media, and community organizations can contribute by addressing discrimination and promoting open public discussion of constitutional rights.

A constitutional culture should promote the idea that rights are universal and not predicated on social status, identity, popularity, or majority approval. Such an approach is particularly important for the most vulnerable groups whose rights may receive little or no public attention.

6.4 Balancing Judicial Protection and Democratic Participation

The judiciary is still an important institution for safeguarding constitutional rights, particularly where legislative or administrative action violates Fundamental Rights. But long-term constitutional change will require cooperation from all branches of government and citizens' active engagement. Judicial decisions need to be accompanied, where possible, by effective legislative and administrative delivery. Democratic institutions should also be responsive to constitutional principles and not view judicial protection as the only remedy for rights concerns.

6.5 From Rights Awareness to Constitutional Responsibility

The realization of rights demands that constitutionalism not be viewed only as individual claims to be made but as a collectively shared civic responsibility. Fundamental duties,

democratic participation, respect for diversity, and concern for the dignity of others are all part of this view. The reduction of social apathy requires that citizens recognize that constitutional rights are interdependent. Ignoring the violation of another person's rights can undermine the culture of rights on which everyone's constitutional security ultimately rests. Thus, the realization of rights in India will need three mutually reinforcing developments: strong constitutional institutions, informed citizens, and a socially responsive constitutional culture. Constitutional morality is the normative framework to provide these changes, but its implementation as a reality will depend on acceptance and practice.

7. Conclusion

The Indian Constitution establishes a very ambitious vision of justice, liberty, equality, dignity, and fraternity but we still have no guarantee that these rights will actually be implemented. There is a long-standing gulf between the constitutional promises and reality that is not only the quality of the constitutional provisions, but also of institutional effectiveness, and society.

The gap between this gap has been filled by constitutional morality. A constitutional morality that sets constitutional values above discriminatory social practices and majoritarian desires, it gives courts and other constitutional institutions the power to protect individual dignity, autonomy, equality and liberty. The development of constitutional morality in Indian jurisprudence shows the potential of the Constitution to change what's acceptable but not constitutional in Indian jurisprudence as well. But constitutional morality has limitations when it is only in the hands of the judicial interpretation. Law can create rights and invalidate unconstitutional practices and provide remedies but it can't prevent social prejudice, inequality and indifference and rights violations from happening. The process of implementing constitutional rights is therefore about institutional and social conditions that are able to translate constitutional principles into the everyday world. Social apathy is one of the biggest challenges in this regard. Ignorance in other people's pain or exclusion and the indifference of others can allow rights violations to persist when legal remedies are there. And where constitutional rights are understood to belong to a few groups and not all people, constitutional citizenship is not universal as much. To overcome this, it is not enough to be more constitutional literate; more accessible justice, institutional accountability, civic engagement and civil society engagement are necessary in this regard. The main conclusion of this study is that "constitutional morality and social responsibility must work together". Constitutional morality provides the normative standard against which social and institutional practices are judged and an engaged citizenry is the social foundation for those values to gain meaning. The Constitution can make equal citizenship a reality, but institutions and citizens must accept the principles and its existence as part of our daily democratic life.

India's constitutional future is thus not only about the expansion of the range of judicially recognised rights but about the distance between "rights on paper and rights in practice". The real measure of constitutional success is whether people, especially those who are socially vulnerable or marginalized, can live in dignity, equality, liberty and justice as lived realities. Constitutional morality can guide this progress; overcoming social apathy is what will make it possible.

References

1. Baxi, U. (1980). The Indian Supreme Court and politics. *Journal of the Indian Law Institute*, 22(2), 149–180. **DOI:** No DOI assigned.
2. Bhuwania, A. (2013). The rise of PIL: Historical context and consequences. *Economic and Political Weekly*, 48(50), 37–43. **DOI:** No DOI assigned.
3. Chandra, A. (2020). Proportionality in India: A bridge to nowhere? *Oxford Human Rights Hub Journal*, 3(2), 55–84. **DOI:** No DOI assigned. ([National Law School of India University](#))
4. Choudhry, S. (2020). Postcolonial proportionality: Johar, transformative constitutionalism, and same-sex rights in India. In P. Dann, M. R. Riegner, & M. B. W. Schulte (Eds.), *The global south and comparative constitutional law* (pp. 190–209). Oxford University Press. <https://doi.org/10.1093/oso/9780198850403.003.0008> (OUP Academic)
5. Deva, S. (2009). Public interest litigation in India: A critical review. *Civil Justice Quarterly*, 28(1), 19–40. **DOI:** No DOI assigned. ([CityUHK Scholars](#))
6. Dubey, M. (2023). Interpreting Ambedkar's concept of “constitutional morality” vis-à-vis the Supreme Court's jurisprudence on the same. *Journal of Constitutional Law and Jurisprudence*, 7(1), 28–33. **DOI:** No DOI assigned. ([Law Journals](#))
7. Gardbaum, S. (2016). Horizontal effect. In S. Choudhry, M. Khosla, & P. B. Mehta (Eds.), *The Oxford handbook of the Indian Constitution* (pp. 600–613). Oxford University Press. <https://doi.org/10.1093/law/9780198704898.003.0033> (OUP Academic)
8. Galanter, M. (1969). Untouchability and the law. *Economic and Political Weekly*, 4(12), 131–133. **DOI:** No DOI assigned. ([NORMZ](#))
9. Jha, N., & Lakra, R. (2026). Reevaluating publicly available data under the DPDPA Act 2023: A constitutional challenge. *Indian Law Review*, 10(1), 31–52. <https://doi.org/10.1080/24730580.2026.2619382> (EBSCO OpenURL)
10. Khaitan, T. (2008). Beyond reasonableness: A rigorous standard of review for Article 15 infringement. *Journal of the Indian Law Institute*, 50(2), 177–208. **DOI:** No DOI assigned. ([JSTOR](#))
11. Khaitan, T. (2012). Dignity as an expressive norm: Neither vacuous nor a panacea. *Oxford Journal of Legal Studies*, 32(1), 1–19. <https://doi.org/10.1093/ojls/gqr024> (OUP Academic)
12. Khaitan, T. (2017). Equality: Legislative review under Article 14. In S. Choudhry, M. Khosla, & P. B. Mehta (Eds.), *The Oxford handbook of the Indian Constitution* (pp. 699–719). Oxford University Press. <https://doi.org/10.1093/law/9780198704898.003.0039> (OUP Academic)
13. Khosla, M. (2010). Proportionality: An assault on human rights? A reply. *International Journal of Constitutional Law*, 8(2), 298–306. <https://doi.org/10.1093/icon/moq002> (OUP Academic)
14. Marsons, L. (2018). Bifurcation, unification and calibration: A comparison of Indian and English approaches to proportionality. *Indian Law Review*, 2(1), 26–50. <https://doi.org/10.1080/24730580.2018.1506250> (IJCal)

15. Narain, A. (2017). What would an Ambedkarite jurisprudence look like? *National Law School of India Review*, 29(1), 1–20. **DOI:** No DOI assigned. ([JSTOR](#))
16. Narayan, N. (2021). Constitutional morality as tool in interpretation of the Constitution: A critical analysis. *GIBS Law Journal*, 3(1), 1–23. **DOI:** No DOI assigned. ([Indian Journals](#))
17. Nayak, N. (2023). Constitutional morality: An Indian framework. *The American Journal of Comparative Law*, 71(2), 354–387. <https://doi.org/10.1093/ajcl/avad029> ([OUP Academic](#))
18. Parashar, S., & Parashar, K. (2026). Constitutional morality and its future in constitutional interpretation in India. *International Journal of Human Rights and Constitutional Studies*, 13(2), 176–188. <https://doi.org/10.1504/IJHRCS.2026.152889> ([Inderscience](#))
19. Rakhecha, V. (2021). Privacy, the shield that protects or the sword that strikes freedom of speech? *Indian Law Review*, 5(1), 62–84. <https://doi.org/10.1080/24730580.2020.1865654> ([Taylor & Francis Online](#))
20. Sabhapandit, S. (2018). Article 12 and judicial review of administrative action: An analysis. *Indian Law Review*, 2(1), 5–25. <https://doi.org/10.1080/24730580.2018.1512842> ([Taylor & Francis Online](#))
21. Sebastian, J. (2021). Article 15 and the Citizenship (Amendment) Act: A thought experiment. *Socio-Legal Review*, 17(2), 200–226. <https://doi.org/10.55496/IDMD3326> ([NLSIU Repository](#))
22. Singh, V. (2019). Constitutional morality stimulating the social and health order issues in India. *Asian Review of Social Sciences*, 8(2), 106–110. <https://doi.org/10.51983/arss-2019.8.2.1575> ([Asian Review of Social Sciences](#))
23. Srivastava, D. K. (2022). Pearls and pitfalls of the doctrine of constitutional morality. *Panjab University Law Review*, 61(2), 76–88. **DOI:** No DOI assigned. ([Panjab University Law Review](#))
24. Sundara Rami Reddy, S. (1980). Fundamentalness of fundamental rights and Directive Principles in the Indian Constitution. *Journal of the Indian Law Institute*, 22(3), 399–407. **DOI:** No DOI assigned. ([Scribd](#))
25. Tushnet, M. (2003). The issue of state action/horizontal effect in comparative constitutional law. *International Journal of Constitutional Law*, 1(1), 79–98. <https://doi.org/10.1093/icon/1.1.79> ([OUP Academic](#))
26. Tsakyrakis, S. (2010). Proportionality: An assault on human rights? A rejoinder to Madhav Khosla. *International Journal of Constitutional Law*, 8(2), 307–310. <https://doi.org/10.1093/icon/moq017> ([OUP Academic](#))
27. Narrain, S. (2021). Transformative constitutionalism: A radical biography in nine acts. *Indian Law Review*, 5(1), 139–147. <https://doi.org/10.1080/24730580.2021.1880722> ([Taylor & Francis Online](#))
28. Arun, P. (2023). A mosaic of dovetailing laws: India's communications surveillance regime. *Indian Law Review*, 7(3), 363–386. <https://doi.org/10.1080/24730580.2023.2193931> ([Taylor & Francis Online](#))
29. Bambrick, C. (2020). Horizontal rights: A republican vein in liberal constitutionalism. *Polity*, 52(3), 371–398. <https://doi.org/10.1086/709494>