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**THE GOLDEN TRIANGLE OF THE INDIAN CONSTITUTION:
ARTICLE 14, 19, 21 - A JUDICIAL PERSPECTIVE**- Vidhi Malik¹

ABSTRACT

By analyzing the judicial interpretation of Articles 14, 19, and 21 of the Indian Constitution, this essay explores the evolution of fundamental rights from their origin to the current times. Through a historical examination, it examines important eras in the development of constitutional law, highlighting the time of independence, the era of judicial activism, and contemporary debates on fundamental rights. The research examines how the legislature, the court, and civil society influence the interpretation and application of these rights by referencing important rulings and legal scholarship. The intention of this paper is to improve understanding of the basic principles and beliefs that underpin India's constitutional democracy by explaining the evolving landscape of constitutional rights in the country.

INTRODUCTION

"Equality before law and equal protection of laws are perhaps the most famous words in the Indian Constitution and the most vulnerable to abuse."

~Granville Austin

Within the expansive realm of ruling, there is a text that echoes with the harmony of freedom, fairness, and self-rule - *the Constitution of India*. Forged in the crucible of historical events, it serves as a guiding light of hope and potential for a country working towards breaking away from colonial rule and shaping its own future.

¹ Student at Amity Institute of Advanced Legal Studies, Amity University, Uttar Pradesh

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At the core of it, there lies a tale of hardship, giving up, and strength. Emerging after a chaotic period, it became the foundation of a new democracy, giving hope to countless individuals seeking freedom. The creators, whether they were visionaries or revolutionaries, worked non-stop to bring together the hopes of a wide range of people into a unified system of government.

From the sacred chambers of the Constituent Assembly came forth a document filled with the essence of inclusiveness and advancement. It established the basic rights of all individuals, declaring freedom, fairness, and brotherhood as the foundational ideals of our new democratic society.

There are **12 schedules** and **470 articles** in the Indian Constitution, popularly known as the rule book. We know the four pillars of our constitution are: *Justice, Liberty, Equality, and Fraternity*. Other than that, the main goals of it are Democracy, Republicanism, Socialism, and Secularism.

Fundamental rights, sometimes referred to as human rights, are guaranteed to both citizens and non-citizens and are found in Part III of our constitution. In order to preserve human dignity and promote personality development, these rights are crucial. It is enforceable in a court of law when the state attempts to infringe upon it.²

There are six primary fundamental rights: the right to equality, freedom, protection against exploitation, freedom of religion, cultural and educational rights, and the right to constitutional remedies.

Humans have a tendency to reside in communities, and in order to maintain civility and order, certain regulations are established, which is why the constitution exists. As people, we require certain rights to maintain dignity, grow as individuals, have freedom, and live in equality. The constitution outlines these fundamental rights in *Articles 14, 19, and 21*.³

This paper aims to explore the intricate relationship among the fundamental rights of equality, freedom and liberty and understand their time-tested analogy as a 'Golden Triangle' but

² The golden triangle of our Indian Constitution article 14, 19 and 21 available at <https://www.legallore.info/post/the-golden-triangle-of-our-indian-constitution-article-14-19-and-21> (last visited on April 18, 2024)

³Ibid

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before let's try to delve into the minds of constitution makers behind their intent of incorporating *Article 14 , 18 and 21* in our social code .

HISTORICAL CONTEXT

After a turbulent fight for independence, during which the chaos calmed and the sounds of freedom resonated throughout the independent India, a collection of visionary individuals came together at the revered Constituent Assembly. Their task was challenging but truly honourable- to create a document that would establish the groundwork for the newly established *Republic of India*, a shining example of democracy, justice, and equality in a world plagued by despotism and discrimination.

The path towards creating the Indian Constitution was filled with difficulties and hurdles every step of the way. During the aftermath of partition and the lasting effects of colonial rule, the creators of the Constitution began a journey of communication, discussion, and thoughtful consideration.

The inclusion of Articles 14, 19, and 21 in the Indian Constitution reflects the strong intent of its founders to establish a fair and democratic society that safeguards the basic freedoms and rights of its people. These articles are essential for upholding individual freedom and ensuring a successful democracy in India's constitution.:

Article 14 - Right to Equality:

The framers demonstrated their dedication to ensure every citizen's equality before the law and equal protection under the law by incorporating Article 14. This provision prohibits bias based on religion, race, caste, sex, or place of birth and ensures that all individuals in India are entitled to equal treatment and protection by the law. Article 14 lays the foundation for a fair legal system that treats every individual with respect and honor, preventing unfair state actions and social biases. It highlights the importance of following laws and ensures that everyone, no matter their social or economic status, has access to justice.

Article 19 - Right to Freedom:

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Article 19 ensures several essential freedoms for a well-functioning democratic society, including freedom of speech, assembly, association, migration, residence, and occupation. Article 19 was included to allow individuals to participate in democracy, express their views freely, and protest peacefully without being afraid of reprisals. Article 19 plays a crucial role in upholding free speech, facilitating open dialogue, and embracing diversity by preventing censorship and authoritarianism. It enables individuals to champion for societal transformation, ensure responsibility among leaders, and foster the development of a vibrant community.

Article 21 - Right to Life and Personal Liberty:

Article 21 preserves the intrinsic dignity and worth of individuals by guaranteeing their right to life and personal liberty. The framers sought to ensure that individuals can live with dignity, autonomy, and security, while also protecting them from unjustly being deprived of life or liberty. Article 21 safeguards various freedoms essential for the well-being of individuals and serves as the foundation of human rights legislation in India. It includes rights such as privacy, dignity, access to basic needs, and a fair trial, safeguarding individuals from the overbearing government and ensuring they can lead content, meaningful lives without arbitrary interference.

The judicial interpretation of Articles 14, 19, and 21 of the Indian Constitution has evolved due to changing societal norms, legal principles, and judicial philosophy. The courts have played a key role in expanding and adapting these basic rights to meet the evolving needs of Indian society. There are multiple important periods in the evolution that can help in its understanding.

1950s to 1970s: Years of development and growth.

During the initial years of India's independence, the focus of the judiciary was on establishing principles to interpret fundamental rights. The cases of *Keshavananda Bharati v. State of Kerala*⁴ and *A.K. Gopalan v. State of Madras*⁵ set the basic guidelines for judicial review and the authority of the Constitution.

⁴ AIR 1973 SC 1461

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The concept of equal treatment under the law and the principle of non-discrimination were the main focus when interpreting Article 14. Courts applied strict scrutiny to assess the rationality and reasonableness of state actions, striking down laws that violated the equality guarantee.

Initially, the right to freedom of speech and expression under Article 19 had comparable restrictions that aimed to uphold morality, decency, and public order. The courts upheld restrictions to maintain social harmony and public peace by finding a middle ground between individual freedoms and the broader societal needs.

Article 21 originally focused on procedural rights but later expanded to include substantive rights such as privacy, dignity, and fair trial. Important judgments like *Maneka Gandhi v. Union of India*⁶ paved the way for a deeper understanding of personal liberty and procedural fairness.

1980s–1990s: Era of Protests

The height of judicial activism occurred in the 1980s and 1990s, characterized by an expanded interpretation of basic rights and an increase in the involvement of judges in public policy disputes.

Courts interpreted Article 14 broadly, focusing on promoting both equality and reducing social and economic gaps. Affirmative action and the principle of substantive due process were created at this time.

During this period, there was improved protection for the right to freedom of speech and expression, as courts overturned laws that infringed upon it, even in cases where the speech was deemed controversial or offensive.

In this period, courts acknowledged additional elements of individual freedom like the right to a healthy environment, access to education, the right to earn a living, and the right to privacy. Therefore, Article 21 experienced a notable increase in scope.

2000s onwards: Balanced Approach

⁵AIR 1950 SC 27

⁶AIR 1978 SC 597

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In recent years, the judiciary has been more objective when interpreting fundamental rights, striving to find a middle ground between individual rights and societal interests. Courts continue to support equality, freedom, and dignity as stated in Articles 14, 19, and 21, while also recognizing the need for reasonable restrictions to protect morality, public order, and national security.

The courts have also emphasized the importance of finding a middle ground between opposing rights and interests, particularly when addressing issues such as hate speech, privacy concerns, and economic inequalities.

Furthermore, the development of new technologies and changes in social norms have compelled the judicial system to adapt its interpretation of core rights to address modern challenges such as safeguarding data, protecting digital privacy, and regulating online content.

THE GOLDEN TRIANGLE ANALOGY

These three rights together form the cornerstone of India's constitutional framework, just as a triangle is said to be the strongest geometric shape and offers a strong basis for individual freedoms and democratic governance. The Indian Constitution's three fundamental rights—the right to equality (*Article 14*), the right to freedom (*Article 19*), and the right to life and personal liberty (*Article 21*)—are harmoniously related to one another and are referred to as the "Golden Triangle."

Article 14 states that *“Equality before the law, the state shall not deny any person equality before the law or equal protection of law within the territorial limits of India or prohibition on the grounds of race, caste, religion, sex or place of birth.”*⁷

Article 19 – *“Protection of certain rights regarding freedom of speech and expression. All citizen shall have the right*

- *Freedom of speech and expression*
- *Freedom to assemble peacefully and without arms*

⁷Article 14, Constitution of India (1950)

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- *Freedom to form associations or unions*
- *Freedom to move freely throughout the territory of India*
- *Freedom to reside and settle in any part of the territory of India, and*
- *Freedom to practice any profession or to carry on any occupation, trade or business”⁸*

Article 21 – “*Protection of life and personal liberty, no person shall be deprived of his personal liberty except according to the procedures established by law.*”⁹

Numerous examples vividly demonstrate how the exercise of one right in the Golden Triangle of the Indian Constitution - *Articles 14, 19, and 21* - often relies on the protection, interpretation and realization of others, highlighting their interconnectedness. These instances emphasize the interdependent connection between these fundamental rights and emphasize their shared significance in guaranteeing the overall growth and welfare of individuals in a democratic society :

Article 14 and 19: Interlock between right to equality and right to freedom of speech and expression

Article 14 guarantees equality, while Article 19 ensures freedom of speech and expression. For example, the principle of equality ensures that all individuals in a democratic community have the same opportunities to engage in discussions and participate. Thanks to this privilege, individuals of diverse backgrounds can openly share their opinions, engage in discussions, and advocate for democracy without encountering discrimination or suppression. Limits on free speech and expression that are imposed based on arbitrary criteria contradict the principle of equality before the law by hindering certain individuals or groups from exercising their rights equally to others.¹⁰

⁸Article 19, Constitution of India (1950)

⁹Article 21, Constitution of India (1950)

¹⁰The Golden Triangle Of Our Indian Constitution- Article 14, 19 And 21 available at <https://www.legallore.info/post/the-golden-triangle-of-our-indian-constitution-article-14-19-and-21> (last visited on April 18, 2024)

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Article 19 and 21 : The legal bond between Right to Freedom of Speech and Expression and Right to Life and Personal Liberty :¹¹

Personal freedom and personal independence are closely associated with the freedom to speak and express oneself. It promotes a culture of diversity and inclusivity by allowing individuals to openly share their identities, viewpoints, and ideas. Additionally, the practice of this privilege often serves as a catalyst for progress in society by challenging oppressive norms and supporting human integrity. However, limiting this freedom through censorship, surveillance, or coercion infringes upon the rights to live authentically and actively participate in society, thus violating the right to life and personal freedom.

Article 21 and 14 :The legal bond between Right to Life and Personal Liberty and Right to Equality :

This includes various freedoms essential for upholding human dignity like privacy, dignity, and fair treatment under the law within the right to life and personal liberty. Protecting against discrimination and unjust deprivation of liberty is equally crucial as preventing physical harm in order to uphold this right. For instance, when discriminatory actions such as racial profiling or caste-linked violence take place, it is a breach of individuals' equality rights due to unfair treatment based on innate characteristics. However, ensuring that all individuals receive equal legal protection promotes a society where each individual's right to life and freedom is acknowledged and upheld without bias.

Intersectionality of the Trio :

Various scenarios in the real world demonstrate the interconnectedness of rights in the Golden Triangle, particularly for marginalized communities. Discrimination and violence based on gender identity or sexual orientation can violate the LGBTQ+ community's rights to equality (Article 14) and to life and personal liberty (Article 21). At the same time, restrictions on their ability to express themselves and form groups (Article 19) make them more susceptible by hindering their ability to mobilize, advocate for their rights, and access necessary resources.¹²

¹¹Ibid

¹²Ibid

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Some of the judicial instances which helped to realize the very image of golden triangle can be interpreted from the following case laws:

- *A.K.Gopalan vs State of Madras*¹³

A K Gopalan, a notable communist figure, was held in custody by the Madras State under the **Preventative Detention Act of 1950**. He asserts that he has been detained since 1947 without being subjected to a trial. He contested his confinement using various reasons. Gopalan submits a petition under Article 32(1) of the Indian Constitution, also called *Habeas Corpus Writ*. He claimed that the order infringed upon his basic rights as outlined in Article 19 and Article 21. He stated that the order against him was carried out with malicious intent. He additionally mentioned that the definition of "procedure established by law" in Article 21 refers to due process of law. Article 21 of the Indian constitution was violated in his situation due to the lack of adherence to the law. Thus , primarily arguing that it violated his Fundamental rights under Articles 14, 19, and 21 of the Indian Constitution.¹⁴

*The AK Gopalan ruling was given by a panel of six justices who concluded that Article 21, which pertains to the procedure established by law, essentially means established by the government. The Supreme Court concluded that there is no connection between Article 21 and 19 of the constitution. The court further stated that the principles of justice were not breached in this instance.*¹⁵

- *Maneka Gandhi vs. Union of India Case*¹⁶

Maneka Gandhi , a journalist who received her passport on June 1, 1976, according to **the Passports Act, 1967** but on July 2nd, 1977, the Regional Passport Officer in New Delhi sent a letter requesting the petitioner to return her passport. The Ministry of External Affairs refused to provide any reasons for confiscating her passport, stating it was for the ‘general public's best interest’. The petitioner (Maneka Gandhi) submitted a writ petition under *Article 32* of the Indian

¹³AIR 1950 SC 27

¹⁴ Summarize case: A Landmark case in India legal history: A.K. Gopalan v/s State of Madras available at <https://www.legalserviceindia.com/legal/article-14014-summarize-case-a-landmark-case-in-india-legal-history-a-k-gopalan-v-s-state-of-madras.html>(last visited on April 18,2024)

¹⁵Ibid

¹⁶AIR 1978 SC 597

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Constitution, alleging that her passport size infringed upon her fundamental rights, namely *Article 14, Article 19, and Article 21*. The respondent responded by saying that the petitioner had to attend the ongoing proceedings in front of an inquiry commission.¹⁷

The court held that the makers of the Constitution always meant for the process to be just, rational, and impartial to all and said that the section 10(3)(c)¹⁸ is invalid as it breaches article 14 of the Indian constitution by granting unclear and undefined authority to the passport agency. It infringes on Article 14 by not allowing the affected individual a chance to present their case. It was found to be against Article 21 because it fails to adhere to the term "procedure" stated in the clause.

This case overturned the ruling in the A.K.Gopalan case¹⁹. The court ruled that a golden triangle is formed by articles 14, 19, and 21, and any law must be tested to ensure it does not infringe upon these articles. The court also ruled that it is a necessary legal procedure.²⁰

▪ ***Minerva Mills Ltd. & Ors vs Union Of India & Ors²¹***

Minerva Mills is a textile factory situated close to the city of Bengaluru. In 1970, the Central Government formed a committee under *Section 15* of the ***Industries Development Act, 1951*** due to a significant decrease in Minerva mills' production. In October 1971, the report was presented by the committee to the Central Government. The National Textile Corporation Limited, established under the ***Industries Development Act, 1951***, was granted permission by the Central Government to assume control of Minerva mills. Nationalization was added to the *ninth schedule* in the *39th amendment*, making it exempt from judicial review. Following a major setback in the case of ***Indira Gandhi vs Raj Narain²²*** for acquiring ultimate power, the parliament passed the *42nd amendment* which altered Article 31C through *Section 4* of the ***Constitutional amendment Act, 1976***. *Section 55* of the ***42nd Constitutional Amendment Act, 1976*** brought changes to *Article 368* of the Indian constitution. This amendment ensured that court cannot invalidate laws implementing the directive principle on the grounds of

¹⁷ Maneka Gandhi vs Union Of India on 25 January, 1978 available at <https://indiankanoon.org/doc/1766147/> (last visited on April 18, 2024)

¹⁸ The Passports Act ,1967

¹⁹Id at 6

²⁰Id at 10

²¹1981 SCR (1) 206

²² (1975) 2 SCC 159

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conflicting with freedom of speech (Article 18) or equal rights (Article 14) In *Article 368* of the Indian Constitution there were added *clauses (4) and (5)* which state: Any change to this Constitution, including *Part III* of the constitution, made under this article before or after *Section 55*²³, cannot be challenged in court. It is clarified that there are no restrictions on Parliament's power to amend, add, change or remove Constitution provisions under this article.

The modification in *Article 368* of the Indian Constitution would cancel out the impact of the *Kesavananda Bharati v. State of Kerala*²⁴ Judgment.

The Court held that *Section 4 and Section 55 of the 42nd Amendment Act, 1976* are not in accordance with the constitution and dismissed the writ petition that challenged the validity of *Sections 5(b), 19(3), 21, 25, and 27* in conjunction with the *2nd schedule* of the *Nationalization Act of 1974*.²⁵

CRITICISM²⁶

"Injustice anywhere is a threat to justice everywhere."

~Martin Luther King Jr.

Although the Golden Triangle in the Indian Constitution symbolizes principles of equality, freedom, and the right to life, its judicial interpretation has faced criticism and obstacles. Many different factors play a role in shaping this complex terrain, some of which can be broadly categorized are as follows :

- **Restraint vs Judicial Activism :**

The Indian judiciary is frequently praised for its proactive approach in safeguarding and enlarging fundamental rights. Nevertheless, this activism has been criticized for

²³42nd Constitutional Amendment Act, 1976

²⁴ AIR 1973 SC 1461

²⁵ Facts of the case available at https://blog.ipleaders.in/minerva-mills-vs-union-india-significant-case-india-forgotten/#Facts_of_the_case (Last visited on April 18,2024)

²⁶Sharma , Sukarm , (2022),Rescuing Article 19 from the 'Golden Triangle': An Empirical Analysis of the Application of the Exception Clauses under Article 19 , NUJS Law Review , 15 ,3-4.

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intruding into the jurisdiction of the executive and legislative branches. Critics believe that being too active in their approach could weaken the separation of powers and lead to judicial overreach, ultimately diminishing the integrity of the Golden Triangle.

- **Socio-economic Realities:**

Although the Golden Triangle focuses on civil and political rights, socio-economic rights are just as important in achieving fairness and equity. Yet, the Indian Constitution does not specifically list socio-economic rights, which creates difficulties in understanding and executing policies on poverty, healthcare, and education within the Golden Triangle framework.

- **Evolving Technology :**

Advancements in technology have led to changes in the concept of privacy (*Article 21*), presenting new challenges for judicial interpretation. Challenges like *data protection, surveillance, and the right to be forgotten* demand courts to adjust traditional legal principles to modern contexts while maintaining the integrity of the Golden Triangle.

- **Enforcement and Implementation:**

Despite having strong legal structures in place, successfully putting into action and ensuring compliance with the rights protected by the Golden Triangle poses a notable obstacle. Challenges like bureaucratic sluggishness, limited resources, and societal beliefs about rights can obstruct people's ability to access justice and prevent the fulfilment of constitutional aspirations.

- **Balancing the Rights :**

Achieving a delicate equilibrium between the fundamental rights outlined in *Articles 14, 19, and 21* of the constitution is a significant obstacle when interpreting the Golden Triangle. Although every right is crucial, conflicts can occur when one right appears to violate another. In some situations, the freedom of speech (*Article 19*) can conflict with the right to privacy (*Article 21*), creating challenges in interpretation for the courts.

From the clash of rights to the constraints of judicial activism, the Golden Triangle faces numerous criticisms, highlighting the challenging path towards genuine equality and justice.

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In this sense, the Golden Triangle is indeed a high-octane symbol for the constant need for reflection, adjustment, and action in striving for constitutional ideals.

CONCLUSION

India's constitutional democracy has shown resilience and flexibility, as seen in the judiciary's interpretation of Articles 14, 19, and 21 of the Indian Constitution throughout history. The judiciary has played a crucial role in establishing the limits of basic rights since they were first introduced, navigating a rapidly changing society while upholding core principles of fairness, liberty, and respect. The rights have been expanded by the courts through important decisions and legal milestones, making sure they remain relevant and adaptable to the desires and goals of the people.

Despite ongoing issues and critiques, the progress of judicial interpretation demonstrates a commitment to fairness, equality, and adherence to the law, serving as a source of motivation and encouragement for generations to come.

BIBLIOGRAPHY

- Facts of the case available at https://blog.ipleaders.in/minerva-mills-vs-union-india-significant-case-india-forgotten/#Facts_of_the_case (Last visited on April 18,2024)
- 42nd Constitutional Amendment Act, 1976
- Summarize case: A Landmark case in India legal history: A.K. Gopalan v/s State of Madras available at <https://www.legalserviceindia.com/legal/article-14014-summarize-case-a-landmark-case-in-india-legal-history-a-k-gopalan-v-s-state-of-madras.html> (last visited on April 18,2024)
- Maneka Gandhi vs Union Of India on 25 January, 1978 available at <https://indiankanoon.org/doc/1766147/> (last visited on April 18, 2024)
- The Passports Act ,1967
- The golden triangle of our Indian Constitution article 14,19 and 21 available at <https://www.legallore.info/post/the-golden-triangle-of-our-indian-constitution-article-14-19-and-21> (last visited on April 18,2024)

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- The Golden Triangle Of Our Indian Constitution- Article 14, 19 And 21 available at <https://www.legallore.info/post/the-golden-triangle-of-our-indian-constitution-article-14-19-and-21> (last visited on April 18 ,2024)
- Sharma , Sukarm , (2022),Rescuing Article 19 from the ‘Golden Triangle’: An Empirical Analysis of the Application of the Exception Clauses under Article 19 , NUJS Law Review , 15 ,3-4.



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