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## The Golden Triangle of the Indian Constitution

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*This paper deals with what is usually referred to as the Golden Triangle of the Indian Constitution, which constitutes Article 14, Article 19, and Article 21. These Articles are a vital part of the Constitution, and they include the Fundamental Rights of the people in parts and structure, subject to the needs of the people, along with the reasonable restrictions, imposed by the government over such rights. The three Articles are talked in length with suitable case laws and landmark judgements that shaped the structure of these Articles and made them clear for the people to understand. Furthermore, some basic differences between the Articles have been discussed, as although they are quite subtle, yet so vast, when put under a microscope. The Constitution is for the people, and without the constant intertwining of these three articles, it is impossible to achieve the ideals and goals of the Constitution. To ensure the proper functioning of the Constitution, the aforementioned Articles are needed specifically, to maintain the law and order, by understanding the basic violations of the Fundamental rights of the people.*

**Keywords:** *golden triangle, fundament rights, restrictions, landmark rulings, intertwining.*

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### INTRODUCTION

India is a country of diversity, which means that it has different types of people from different races, cultures, ethnicities, places of birth, religions, caste, and so on. In a nutshell, India seems to be the perfect place to co-exist with different people and to share and learn the values and teachings of the cultures provided. However, when put under a microscope, it is much too far

away from the truth. In a country, where there is such a vast and expansive population, there tends to be a certain and ever-prevailing difference in opinion of a sort. One might not enjoy, what others might have to do or say in a particular matter at hand. This leads to conflict on various levels, which finally results in the destruction of the law and order of the country.

Then again, opinions are meant to be formed, and every individual has the right and is entitled to their own opinions regardless of the specific topic. The Constitution of India was established to tackle the contentions in the law and order of the country and to develop an ideal nation for the people to exist. There are numerous laws provided in the Constitution, which tackle such situations of difference in opinion, however, it is necessary at that point in time. It is the duty of the Government, and the Judiciary of the country to give people their rights, along with maintaining the volatile factors that might lead to problems, threatening the peace of the nation. The aforementioned rights are known as the Fundamental Rights, and they are listed in three different Articles of the Indian Constitution, namely, Article 14, Article 19, and Article 21<sup>1</sup>. They are the rights, to which every single individual is entitled to, in any given situation. These articles, although might seem the same, yet are subtly different from one another, when looked into in depth. They form, what is known as the Golden Triangle.

## ARTICLE 14 OF THE INDIAN CONSTITUTION

Article 14 of the Constitution deals with the equality of every individual before the law of the country, along with the protection of the said law in equal terms.<sup>2</sup> However, to realize the Concept of Equality, it has to be understood that, the term “equality” in its absolute sense, is impossible to physically achieve for human beings.<sup>3</sup> It is a concept, which specifically states that, regardless of an individual’s birth, creed, caste, religion, and so on, the scope of any special privilege will not be entertained in front of the law of the country.<sup>4</sup> One of the most important aspects, that this Article quashes, is the fact that it abolishes the arbitrary power of

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<sup>1</sup> Constitution of India, 1950, art.14, art.19, and art.21

<sup>2</sup> Constitution of India, 1950, art.14

<sup>3</sup> Hanamant Karanure, ‘Article 14-Equality before Law and Equal protection of the Law’ (*Manupatra*, 2 June 2022) <<https://articles.manupatra.com/article-details/Article-14-Equality-Before-Law-and-Equality-protection-of-the-law>> accessed 19 July 2022

<sup>4</sup> *Ibid*

the Government from existence. Let's say that a man has committed a crime, when he is to be punished, he is only subjected to the breaking of the law, and nothing else.<sup>5</sup>The incredible feature of the Indian democracy is the Equality, it offers to its citizens.<sup>6</sup> Article 14 is the general embodiment of the principles of an equal nation, and it refrains the government from unlawful or unreasonable discrimination amongst people.<sup>7</sup>

## **EQUALITY BEFORE LAW**

Equality before the Law is the core feature of the Constitution. There lies an aspect, which might seem vague, yet it is very well inscribed within Article 14, that is, when different individuals are in similar circumstances, both in the sense of conferred privileges and imposed liabilities, they have to be treated equally.<sup>8</sup>The arbitrariness of the Classification process is swapped with Rationality. Different individuals, when grouped together, might have qualities that can exceed others, however, such qualities are not subjected to be treated in favour of any particular topic, except if they are related to the Legislation. <sup>9</sup>

## **EQUAL PROTECTION OF THE LAW**

There is a certain conjecture in the fact of Equal protection of the Law, which constitutes the second part of Article 14. To understand this, the fact must be clear, that when multiple individuals are situated at different levels of situations, the distinction will occur despite the Article. It only offers equal treatment of the law, when they all are situated similarly.<sup>10</sup>

### ***Exceptions***

There are certain exceptions to the rule of Equality, which are listed down below: -

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<sup>5</sup> *Ibid*

<sup>6</sup> Aanya Singh, 'Article 14: Right to Equality' (*Legal Service India*)

<<https://www.legalserviceindia.com/legal/article-6336-article-14-right-to-equality.html>> accessed 19 July 2022

<sup>7</sup> *Ibid*

<sup>8</sup> *Ibid*

<sup>9</sup> M.P Jain, *Indian Constitutional Law*, (8<sup>th</sup> Edition, LexisNexis 2018) 908

<sup>10</sup> *Ibid*

- (1) The power which a public official might hold is much different from the powers of a normal citizen. One can be arrested for a crime committed by a police officer.<sup>11</sup>
- (2) Laws are different for different classes of citizens, which includes the military, which solely follows the designated military laws.<sup>12</sup>
- (3) Certain discretionary powers are entitled to the Ministers and Executive bodies.<sup>13</sup>
- (4) Even the members of a society in some cases have separate rules, which they follow, regarding their profession. Example: - Lawyers, Doctors, etc.<sup>14</sup>
- (5) Although classification is allowed according to Article 14, the legislation of the classes is strictly prohibited. <sup>15</sup>Different classes of people have different needs, that is a fact, and to address those, separate laws are required to treat those. <sup>16</sup>Furthermore, for the security of the State, the legislation provides such laws, which are directed toward the betterment of society as a whole.<sup>17</sup>

## CASE LAWS

Two landmark cases have been mentioned below: -

### (1) *Kedarnath v State of West Bengal*

The court observed that the classification which was established in this case was the decision of the Legislation, which in fact, understands the requirement of the public in general and performs that function rationally. Hence, it was considered a reasonable classification.

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<sup>11</sup> Dr. J.N. Pandey, *Constitutional Law of India*, (56<sup>th</sup> Edition, Central Law Agency 2019) 85

<sup>12</sup> *Ibid*

<sup>13</sup> Dr. J.N. Pandey (n 11) 86

<sup>14</sup> *Ibid*

<sup>15</sup> *Chiranjit Lal v Union of India* (1951) SCR (869) 41

<sup>16</sup> *Abdul Rehman v Pinto* (1985), AIR 1951, Hyd 11

<sup>17</sup> *Jagjit Singh v The State* (1961) SCR (3) 622

However, it is to note that this classification may or may not be perfect in regards to logical reasoning.<sup>18</sup>

**(2) *Ram Prasad v State of Bihar***

Under a circumstance, where a statute is present, there must be no classification. Selecting individuals on the basis of different attributes from a particular group was basically a sham in this case, and no such thing was done in the first place. And to further assume such, is just to make a mockery of Article 14.<sup>19</sup>

**ARTICLE 19 OF THE INDIAN CONSTITUTION**

Article 19 is specifically known as the Article with the basic Fundamental Rights of the people of the country, and how to protect such rights<sup>20</sup>: -

**(1)** Every citizen of the country enjoys the right to<sup>21</sup>:

- (a)** Freedom of speech and expression
- (b)** Assemble peacefully with no arms.
- (c)** Form any type of union.
- (d)** Move freely within the country
- (e)** Settle and reside in any part of the country
- (f)** The 44<sup>th</sup> Amendment omitted this part.
- (g)** Practice, or carrying, any occupation, trade, or business, respectively.

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<sup>18</sup> *Kedar Nath Bajoria v State of West Bengal* (1954), AIR 660

<sup>19</sup> *Ram Prasad v The State of Bihar and Others* (1953) SCR (1129) 215

<sup>20</sup> Constitution of India, 1950, art.19

<sup>21</sup> 'Article 19 of the Indian Constitution' (*Samisti Legal*, 3 May 2018) <<https://samistilegal.in/article-19/#:~:text=Freedom%20of%20Speech%20and%20Expression%3A%20Article%2019%20of%20the%20Constitution,expression%20includes%20Freedom%20of%20Press>> accessed 20 July 2022

- (2) When the question arises on the sovereignty and integrity of India, or public order, any type of reasonable restrictions can be imposed by the States on the rights, and nothing in sub-clause (a) of clause (1), shall affect such operation.<sup>22</sup>
- (3) Similarly, such reasonable restrictions, when the questions arise for the same reasons can be imposed by the States on the rights, and nothing in sub-clause (b) shall affect the operation.<sup>23</sup>
- (4) Similarly, again, such reasonable restrictions can be imposed by the States on the rights, and nothing in sub-clause (c) shall affect the operation.<sup>24</sup>
- (5) Similarly, reasonable restrictions can be imposed upon the rights of the States, and nothing in sub-clauses [(d) & (e)] shall affect the operation.<sup>25</sup>
- (6) Reasonable restrictions can be imposed by the States on the rights, and nothing in sub-clause (g) shall affect the operation. Specifically, nothing shall affect the State's operation or any law relating to the practice, or carrying of any occupation, trade, or business, respectively, which are controlled by the State, in order to exclude citizens, wholly or partially.<sup>26</sup>

## CASE LAWS

### 1. Freedom of Speech and Expression

*Maneka Gandhi v Union of India* - In this case, the Court directed that a person has the right to express his or her opinion without any geographical boundaries. Any person, can collect or gather information, and has the right to share such information, not only within the country but outside its boundaries as well.<sup>27</sup>

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<sup>22</sup> *Ibid*

<sup>23</sup> *Ibid*

<sup>24</sup> *Ibid*

<sup>25</sup> *Ibid*

<sup>26</sup> *Ibid*

<sup>27</sup> *Maneka Gandhi v Union of India* (1978) SCR (2) 621

## **2. Assemble peacefully with no arms**

*T.K. Rangarajan v State of Tamil Nadu* - In this case, the Court directed that the right which deals with the right to form associations does not include the right to strike.<sup>28</sup>

## **3. Move freely within the Country**

*Kharak Singh v State of U.P* - This case deals with the matter, with the purpose of holding any record of the movement and the overshadowing of the suspects.<sup>29</sup>

## **4. Settle and reside in any part of the Country.**

*Ibrahim Wazir v State of Bombay* - In this case, an Indian citizen travelled to Bombay without a proper permit and was then promptly arrested and duly deported to Pakistan.<sup>30</sup>

## **5. Practice or carryout any occupation or business and trade**

*P.A. Inamdar v State of Maharashtra* - In this case, the Court pointed out that, whatever might be the reasoning, education cannot be considered as a valid occupation.<sup>31</sup>

## **ARTICLE 21 OF THE INDIAN CONSTITUTION**

This Article deals with one of the most important aspects of the Constitution, and it reads as if any person has the right to his own life and his personal liberty.<sup>32</sup> Although from an overview, it might seem straightforward, however, when put under a microscope, there is no other Article as conflicted and as contented as this Article. In the Constitution, the Heart is solely regarded to be as Article 21, as this article can be invoked when a person is denied such a right by the State. Article 21 is the embodiment of progression in the provisions of the Constitution.

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<sup>28</sup> *T.K. Rangarajan v State of Tamil Nadu* (2003) Writ Petition (Civil) No. 5556/2003

<sup>29</sup> *Kharak Singh v State of U.P.*, (1962), AIR 1295

<sup>30</sup> *Ebrahim Vazir Mavat v State of Bombay* (1954), AIR 229

<sup>31</sup> *P.A. Inamdar & Ors v State of Maharashtra* (2005) Writ Petition (Civil) No. 5041/2005

<sup>32</sup> Rija Jain, 'Article 21: Understanding the Right to Life and Personal Liberty from Case Laws' (*Academike*, 12 August 2021) <<https://www.google.com/amp/s/www.lawctopus.com/academike/article-21-of-the-constitution-of-india-right-to-life-and-personal-liberty/%3famp=1>> accessed 20 July 2022

It extends not only to the citizens of India alone but also to any person, foreign or otherwise.<sup>33</sup> The aim of the article is to prevent the government from encroaching on the personal liberty of the citizens and depriving them of their right to live in the country or otherwise.<sup>34</sup> An important aspect of this Article is to note that, this is provided only against the judgements of the State. Hence, if any harm is inflicted by a person upon another, which results in an injury to the liberty or deprivation of life, this article then, does not fall within the reach of use by the person injured.<sup>35</sup>

It has to be understood that, any government body falls under the category of State if we go by the definition present in the Constitution. However, it does not relate to any private body or authorities and this Article is beyond the use of such cases. The objective to be achieved is to allow the people to live a happy, meaningful, and complete life, without any kind of restrictions imposed upon them, of course, it has to be by the Law.<sup>36</sup> Article 21 also forms a synchronized relationship with Article 19 and Article 14 of the Constitution. It gives the freedom to a citizen likewise such as both above-mentioned Articles. Any type of restraint, physical or mental, is strictly prohibited, which deprived a person of the fundamental rights, to which everyone is entitled in the country.<sup>37</sup>

## SCOPE OF ARTICLE 21

In the beginning, the Scope of the article was extremely narrow, however, throughout the years, and with the help of numerous case laws presented, the scope of the article has gradually and progressively expanded to give life and meaning to the nature of the article.<sup>38</sup> It also gave meaning to the fact that through this Article, every other article, regardless of the structure and function, merges together, and it would be completely meaningless without

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<sup>33</sup> *Ibid*

<sup>34</sup> Vidhan Maheshwari, 'Article 21 of the Indian Constitution: The Expanding Horizons' (*Legal Service India*) <<https://www.legalserviceindia.com/articles/art222.htm>> accessed 20 July 2022

<sup>35</sup> *Ibid*

<sup>36</sup> *Ibid*

<sup>37</sup> *Ibid*

<sup>38</sup> Jahnavi Laungani, 'Right to Life-Scope in India' (*Law Skills*, 21 June 2017) <<https://www.lawskills.in/ResourceDetails/11/right-to-life--scope-in-india>> accessed 20 July 2022



it.<sup>39</sup>Article 21 embodies everything, which a human might need to live a normal and fulfilling life. If we talk about the scope, then it can be described in one word, which is limitless. Obviously, there are restrictions imposed, otherwise, it would hamper the law and order of the country. However, such restrictions are only imposed, when a person has gone straight out against the law.<sup>40</sup>

## CASE LAWS

**A.K. Gopalan v State of Madras:** In this case, the court pointed out that regardless of the situation, personal liberty, which is a right given by Article 21, can only be considered as freedom to the body physically, and nothing else. <sup>41</sup> Restrictions were also imposed on the definition of Article 19, which led to the fact that freedom can only be enjoyed by someone who was free, as in not being arrested or detained in custody.<sup>42</sup>

**Sunil Batra v Delhi Administration:** In this case, the Court pointed out that the right to life includes that a person lives a healthy and peaceful life. Furthermore, the protection of one's culture and traditions, the right to sleep in peace.<sup>43</sup>

## THE TRIANGLE OF ARTICLES 14, 19 AND 21

The triangle of these three articles is usually what is called the Golden Triangle of the Indian Constitution, or the Golden Triangle Law. <sup>44</sup>These articles contain the basic Fundamental Rights to which every person living in the country is entitled. As aforementioned, the articles interrelate one another, in order to provide for a safe and smooth running of the Government, and it prevents any kind of baseless imposition over the rights of a person, within a society. It has been made clear the similarities between these articles, and how they could be related and

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<sup>39</sup> *Ibid*

<sup>40</sup> *Ibid*

<sup>41</sup> *A.K. Gopalan v The State of Madras* (1950), AIR 27

<sup>42</sup> *Ibid*

<sup>43</sup> *Sunil Batra v Delhi Administration* (1979), AIR 1579

<sup>44</sup> Pooja Dua, 'The Golden Triangle of the Indian Constitution: Articles 14, 19 and 21' (*Lawyered*, 19 June 2021)

<<https://www.lawyered.in/legal-disrupt/articles/golden-triangle-indian-constitution-articles-14-19-and-21/>>

accessed 20 July 2022

worked together in order to tackle the problems that arise in the lives of the people and protect them from being subdued by the Government.<sup>45</sup>

## CASE LAWS REGARDING THE TRIANGLE

*Parmanand Katara v Union of India:* In this case, the Supreme Court of India held that within the depths of Article 21, it was important to include the factor of the Right to Health, and it also must be considered as a basic Fundamental Right. <sup>46</sup>Any individual who has gone through a medical condition, shall not be deprived, the medical assistance by a public or private hospital, under any condition. It is the right of a person to be treated, under Article 14, and deserve the medical care needed.<sup>47</sup>

*People's Union of Civil Liberties (PUCL) v Union of India:* In this case, the Supreme Court pointed out that an individual has the right to vote freely according to his wishes, and considered that the freedom held by a citizen in regards to such voting, a part of freedom of expression, which falls under Article 19 (1) (a) of the Indian Constitution.<sup>48</sup> It carefully coincides with Article 21, the right to life, as such voting is a person's liberty.<sup>49</sup>

*Justice K.S. Puttaswamy (Retd) v Union of India:* In this case, the Supreme Court held that every person has the right to privacy, and such right must be included, at all cost, within the depths of Article 21. This a freedom that must be enjoyed by every individual, and it is to be considered as the core of such.<sup>50</sup>

## CONCLUSION

While everything has been discussed about Articles 14, 19, and 21, it is safe to say that these three Articles play a very important role in working together and protecting the citizens from the arbitrariness of the Government, and the fact of imposing meaningless rules over the

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<sup>45</sup> *Ibid*

<sup>46</sup> *Pt. Parmanand Katara v Union of India & Ors.*, (1989), AIR 2039

<sup>47</sup> *Ibid*

<sup>48</sup> *People's Union of Civil Liberties (PUCL) v Union of India* (1996), AIR 568

<sup>49</sup> *Ibid*

<sup>50</sup> *Justice K.S. Puttaswamy (Retd) v Union of India* (2018) Writ Petition (Civil) No. 494/2012

people without suitable reasoning. These Articles together form the fundamentals of the Constitution, and time after time, they check the proper running of the Judicial System, against all the violations of human rights, and the exploitations of freedom, respectively. These three Articles can be considered as a Trinity.<sup>51</sup> When the question arises on the Liberty, Fraternity, and Equality of the country, this Trinity, works together and builds the way for the path, where justice can be delivered effectively, and a proper structure can be given to the Constitution of the country.

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<sup>51</sup> Zara Suhail Ahmed, 'Golden Traingle of Indian Constitution' (*Law Corner*, 13 March 2022) <<https://lawcorner.in/golden-triangle-of-indian-constitution/>> accessed 20 July 2022