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## INTERPLAY OF ARTICLES 14, 19 AND 21 WITH REFERENCE TO MANEKA GANDHI CASE

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### ABSTRACT

Fundamental rights are enshrined in Part III of the Indian Constitution<sup>1</sup> and serve as the foundation of individual liberties and human dignity within the framework of Indian democracy and extends beyond mere negative liberties, aiming to foster an atmosphere that supports equality and social justice. The Supreme Court through various judicial interpretations and landmark judgments has expanded the ambit of these rights, incorporating principles of social justice, environmental protection, and the right to privacy. This evolving jurisprudence reinforces that Fundamental Rights are not absolute. By showing that constraints on fundamental rights must also meet the norms of natural justice and procedure established by law, the Maneka Gandhi case<sup>2</sup> strengthened the view that Fundamental Rights are not only individual entitlements but vital for safeguarding human dignity along with striking a balance between broader interest of the society. The establishment of reasonable limitations in the fundamental rights are important to maintain social order and enhancing collective well-being. This research article will explore the reasonable limitations on Fundamental Rights to achieve a balance between individual freedom and the broader interests of society, national security, and public order. This research paper will incorporate both doctrinal and non-doctrinal approaches featuring a combination of open-ended and closed-ended questions to examine the existing tests used to restrict the scope of fundamental rights. The non-doctrinal analysis will involve a survey of legal professionals, law students and informed citizens on the necessity of updating or amending these rights and consider potential future measures that may be required.

**Keywords:** Golden Triangle, Judicial Monitoring, Due Process of Law, Limitation of scope of fundamental rights

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<sup>1</sup> Constitution of India, 1950

<sup>2</sup> 1978 AIR 597

## Introduction

Personal liberty is the ability to choose and make decisions about one's life without interference from others, with the exception of legal limits. The Hon'ble Court affirmed in the ***Kharak Singh v. State of Uttar Pradesh***<sup>3</sup> and later in ***Maneka Gandhi v. Union of India***<sup>4</sup> that the definition of "personal liberty" under Article 21 include personal rights that extend beyond those protected by Article 19. The decision of ***Maneka Gandhi v. Union of India***<sup>5</sup> stated that a legislation depriving a person of 'personal liberty' must pass not only the test of Article 21, but also of Articles 14 and 19. The Indian Constitution's 'golden triangle' includes Articles 14 (Right to Equality), 19 (Right to Freedom), and 21 (Right to Life and Liberty). This verdict broadened the scope of fundamental rights. The term 'golden triangle' was coined after Justice P.N. Bhagwati opined that *"The law must therefore be now taken to be well-settled that Article 21 does not exclude Article 19 and that even if there is a law prescribing procedure for depriving a person of personal liberty and there is consequently no infringement of the fundamental right conferred by Art. 21, such law will so far as it abridges or takes away any fundamental Right under Article 19 would have to meet the challenge of that Article. Equally such law would be liable to be tested with reference to Art. 14 and the procedure prescribed by it would have to answer the requirement of that Article."*<sup>6</sup> It was determined that Articles 14, 19, and 21 are interconnected, and the scope of Article 21 can be interpreted broadly. The case also underlined the significance of the judiciary in scrutinizing such administrative and executive action to avoid the arbitrary and partial exercise of their powers. This case has resulted in filing of many PILs and cases where people are seeking redressal for abuses of their fundamental rights and are aware of their constitutional entitlements, which leads to a healthy democracy. According to Justice Y. V. Chandrachud, the Golden Triangle embodies and fulfills the principles set forth in the Preamble. In ***Minerva Mills case***<sup>7</sup>, Justice Chandrachud stated that the three articles of our Constitution stand between the paradise of freedom that Tagore desired for his nation and the pit of unbridled authority.<sup>8</sup>

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<sup>3</sup> 1963 AIR 1295

<sup>4</sup> 1978 AIR 597

<sup>5</sup> ibid

<sup>6</sup> Maneka Gandhi vs Union Of India AIR 1978 SCR (2) 621

<sup>7</sup> 1980 AIR 1789

<sup>8</sup> Kelly Amal Dhru "The Right to Freedom of Thought in India"

## Establishment of the “Golden Triangle” Doctrine

The “Golden Triangle” theory emerged from the Maneka Gandhi case, which reads Articles 14, 19, and 21 together to provide a more comprehensive, integrated protection for individual rights. Article 14 of the Indian Constitution deals with the right to equality. The framework of Article 14 is inspired by the English Common Law, the Magna Carta, and the US and UK Constitutions. It was introduced in 1950. It ensures that every individual is treated equally and that no one is above the law. It states that “*The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.*” It is based on two principles: **equal protection under the law**, which requires that the law be applied consistently, and **equality before the law**, which requires that the law be treated fairly. This article is a pillar of India's commitment to justice and equality since it guards against discrimination and encourages equity in the political and judicial systems.

Article 19 aims to protect the fundamental liberties of citizens, including the freedoms of expression, assembly, association, movement, residence, and profession. These rights are restricted to the extent prescribed and may be appropriately curtailed to safeguard public order, morality, decency, national security, or to stop incitement to violence, defamation, or contempt of court. The major goal of enforcing limits is to protect these fundamental freedoms of citizens while preserving the equilibrium between their rights and the larger public interest. Judicial scrutiny is acts as a necessary tool to ensure that such restrictions are reasonable, equitable, and not discretionary. According to the reasonable restriction test, the limitations on Article 19 are both proportionate and required to achieve the legitimate objectives specified in Article 19(2). The reasonableness, effectiveness, and clarity of the limitation must be carefully considered by the courts. In the case of *Kesavananda Bharati v. State of Kerala*<sup>9</sup>, the Hon’ble Supreme established that the basic structure doctrine and the fundamental rights, including Article 19, cannot be infringed without any reasonable justification. The Court reiterated that any restriction must meet the standard of being reasonable and proportional.

Article 21 of the Indian Constitution ensures the right to life and personal liberty for every individual. It mandates that no one can be deprived of these rights except through a lawful and procedure established by law. It states that, “*No person shall be deprived of his life or personal liberty except according to procedure established by law.*” Article 21 is influenced by the

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<sup>9</sup> AIR 1973 SUPREME COURT 1461

Indian values and has most commonly expressed in one of our mantras: “*Sarve bhavantu sukhinah, Sarve santu niraamayaah, Sarve bhadraani pashyantu Maakaschit duhkha bhaag bhavet*”, which means “May all be happy, be free from disabilities! May all look to the welfare of others, and none flag from sorrow.”<sup>10</sup> This provision is interpreted expansively guaranteeing personal liberty while fulfilling the requirement of "procedure established by law" and ensures that any restrictions are fair, reasonable, and justifiable. In the case of *Maneka Gandhi v. Union of India*<sup>11</sup>, the Hon’ble Supreme Court ruled that the procedure established by law, under Article 21 (Right to Life and Liberty), must be fair, just, and reasonable. This judgment expanded the scope of reasonableness and fairness in the application of restrictions.

### Legacy and Expansion of the Golden Triangle Doctrine

The articulation of the Constitution of India has been significantly shaped by the persistent development of Articles 14, 19, and 21, especially with relation to the safeguarding of individual’s rights and broader interest of the society. The Doctrine of "Golden Triangle" embodies the main ideologies of the Indian Constitution, emphasizing the protection of individual rights along with the adherence to justice, liberty, equality, and human dignity. The ideology of the "Golden Triangle" of rights, includes Articles 14, 19, and 21 of the Indian Constitution which evolved through judicial interpretation in the *Maneka Gandhi case* rather than being directly stated in the Indian Constitution. It established the interdependence and mutual reinforcement of these fundamental rights to provide a more comprehensive, integrated protection for individual rights. It implies that any action taken by the state that impacts freedom, liberty, or life must be just and reasonable. Since these rights are believed to be interrelated, any legislation that violates one must be evaluated in the context of the other Articles. The Golden Triangle ensures that the Constitution fully protects individuals from arbitrary government action by considering equality, freedom, and individual liberty. There are numerous rights within the ambit of Article 21, including the right to privacy, the right to a clean environment, and the right to live with dignity, which have been expanded on the basis of the Golden Triangle doctrine. This integrated approach has been used to improve individual rights in numerous important decisions, such as *K.S. Puttaswamy v. Union of India*<sup>12</sup>, which recognized privacy as a fundamental right. The doctrine reflects the Constitution's dynamic

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<sup>10</sup> Nisha Gandhi, “Expanding And Evolving The Ambit Of Article 21 Of The Constitution Of India With The Developing Scenario” Indian Journal Of Integrated Research In Law, Volume II Issue IV

<sup>11</sup> AIR 1978 SCR (2) 621

<sup>12</sup> AIR 2018 SC (SUPP) 1841

character, enabling a flexible and developing interpretation of fundamental rights in response to shifting social demands.

There are several difficulties in interpreting Articles 14, 19, and 21 of the Indian Constitution as the "Golden Triangle" of rights. Individual liberty and the reasonable limitations allowed by Article 19 may collide as a result of the expansive interpretation of these articles. It can be particularly difficult to balance the equality principle enshrined in Article 14 with the different and multiple freedoms safeguarded by Article 19 and the broad definition of personal liberty under Article 21, particularly when dealing with conflicting priorities like public order, morality, or national security. Various concerns over judicial overreach can be further raised by the judiciary's broad interpretation of Article 21, which covers rights like privacy and dignity, and overlapping of their interpretation with those guaranteed by Article 19. Additionally, when socioeconomic rights are suggested, this interdependence may restrict the freedom of the executive and legislative branches. The wide reach of these articles may cause uncertainty, making it more difficult to apply them practically and ensure that they match with particular legal or policy contexts. Although on the surface this seems like a reasonable method of judicial review that increases access to these rights it may encounter to severe consequences.

### Significant Milestones and Landmark Developments

The Hon'ble Supreme Court has rendered many significant case laws that have broadened the application of these articles and contributed to the development of the "Golden Triangle" theory. Some prominent case laws are mentioned below:

- In the case of *Minerva Mills v. Union of India*<sup>13</sup>, the Hon'ble Supreme Court reiterated that Articles 14, 19, and 21 serve as the cornerstone of individual rights. It focused on the "balance of fundamental rights". The Hon'ble Supreme Court opined that the operation of Articles 14 and 19 must be in a way which may aim to frame policies of the State towards securing all or any of the principles of Directive Policy are essential features of the basic structure of the Constitution.
- In the case of *Delhi Transport Corporation v. D.T.C. Mazdoor Congress*<sup>14</sup>, the Hon'ble Supreme Court stated that there is no basis for conferring broad discretion on any

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<sup>13</sup> 1980 AIR 1789

<sup>14</sup> 1991 AIR 101

authority without any procedure that does not fulfill the standard of justness, fairness, and reasonableness stipulated by Articles 14 and 21 of the Constitution. The Court highlighted that the principles of natural justice or *jus naturale* must be preserved, and arbitrary dismissals without a fair hearing are not permitted.

- In the case of ***Justice K.S. Puttaswamy(Retd) v. Union Of India***<sup>15</sup>, the Hon'ble Supreme Court acknowledged privacy as a fundamental right guaranteed under Article 21, based on the idea that it is an essential component of the right to life and personal liberty. This decision broadened the realm of personal liberty and reaffirmed its ambit of liberties guaranteed under Articles 14 and 19.
- In the case ***Indian Young Lawyers Association v. The State of Kerala***<sup>16</sup> the Hon'ble Supreme Court opined that the limits on the freedoms protected by Article 19 must be justified with reasonability an aspect of equality. The fair application of the law to individuals in comparable circumstances is a key element to safeguards granted by Articles 20, 21, and 22. Thus, the idea that has been an ingrained part of our constitutional law. The freedoms which we possess and those which we exercise are not disjunctive parts which are separate from each other. An individual exercises a multitude of freedoms as a composite part of the human personality. A single act embodies within it the exercise of many choices reflecting the assertion of manifold freedoms. From this perspective, it is but a short step to hold that all freedoms exist in harmony. The freedoms are enveloped in the womb created by the Constitution for the survival of liberty. The liberties and the ones we exercise are not disjunctive elements that exist independently. As a component of the human personality, an individual can exercise a wide range of freedoms.

### Interplay of Articles 14, 19 and 21

Articles 14, 19, and 21 of the Indian Constitution collectively provide a robust framework to protect the core principles of individual rights in a democratic society. The interconnectedness of these articles provides a fair approach to governance. Article 14 defines the idea of equality, Article 19 ensures the freedoms essential for personal and societal growth, and Article 21

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<sup>15</sup> AIR 2018 SC (SUPP) 1841

<sup>16</sup> AIR ONLINE 2018 SC 243

protects each individual's inherent dignity and rights. They work together to guarantee that freedoms are exercised in an equal and just manner, consistent with democratic norms. This framework is critical for maintaining the rule of law and defending citizens' rights in a complex and varied country like India. Articles 14, 19, and 21 create a harmonic balance between individual rights and social interests by providing safeguards against arbitrary actions, ensuring fair treatment, and allowing individuals to use their freedoms. This is critical to upholding democracy, fairness, and human dignity. A legislation that violates someone's liberty must also pass the perquisites outlined in Article 21 along with Articles 14 and 19 of the Constitution. The ideology was originally outlined in the case of *Maneka Gandhi v. Union of India*. It found that the three Articles had a specific connection, and that any law must satisfy the triple test it established before it can be considered constitutional. They are:

- (1) It must be prescribed procedure,
- (2) It must be applicable to one or more fundamental rights prescribed under Article 19, and
- (3) It must meet Article 14 standards.

In the case of *T.R. Kothandaraman v. T.N. Water Supply & Drainage Bd*<sup>17</sup>, Justice B.L. Hansaria opined that Articles 14, 19, and 21 form the golden triangle in the Constitution. The incorporation of such a principle into the constitution is intended to pave the way for towards the trinity of liberty, equality, and fraternity.

The Supreme Court of India ruled *in R.C. Cooper v. Union of India*<sup>18</sup> that Article 19 and Article 14 must be interpreted in conjunction with Article 21's right to personal liberty.

### **Synergy of Article 14, 19 and 21 with Rule of Law**

The interconnectedness of Articles 14, 19, and 21 significantly reinforces the rule of law by ensuring that governance and justice operate within a framework of fairness, equality, and individual liberty.

Article 14 mandates equality before the law and equal protection under the law, which is a foundational aspect of the rule of law. It prohibits arbitrary actions by the state, ensuring that

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<sup>17</sup> 1994 SCC (6) 282

<sup>18</sup> 1970 AIR 564

laws and policies are applied uniformly and fairly. While connecting it with Articles 19 and 21, it ensures that freedoms and rights are not granted selectively but are accessible to all without discrimination. Article 19 ensures to maintain balance between freedom and justice. The interplay with Article 14 ensures these freedoms are exercised equally, preventing discrimination, while with Article 21, it ensures that restrictions on these freedoms respect personal liberty and dignity. Together, they ensure that any limitation on freedoms is reasonable, non-arbitrary, and justifiable, upholding the principles of natural justice. Article 21 enshrines the right to life and personal liberty, which forms the ethical and moral backbone of the rule of law. Its interconnection with Articles 14 and 19 ensures that the protection of life and liberty is not only a procedural guarantee but also substantive, expanding to include rights like privacy, health, and education. This ensures that the state's actions and laws must prioritize the dignity and welfare of individuals, reinforcing humane governance.

### **Impact on the Rule of Law Prevention of Arbitrary Power:**

The collective framework ensures that all actions by the state are subject to the principles of fairness, non-discrimination, and accountability, reducing the risk of misuse of power. The interconnection of these articles ensures that individual freedoms and dignity are respected while maintaining the collective well-being. The judiciary often invokes the synergy of Articles 14, 19, and 21 to test the constitutionality of laws and executive actions, ensuring they align with democratic values and the rule of law. Through judicial interpretations, this trinity adapts to emerging challenges, ensuring that the rule of law remains relevant in a changing society. In essence, the interconnectedness of Articles 14, 19, and 21 creates a robust legal and constitutional framework that guarantees justice, equality, and liberty, serving as the cornerstone of the rule of law in India.

### **Interplay of the Three Articles with Natural Justice**

The interplay of Articles 14, 19, and 21 of the Indian Constitution with the principles of natural justice aims to ensure the commitment to fairness, equality, and procedural integrity in governance and law. Natural justice, which embodies principles like *audi alteram partem* (*right to be heard*) and *nemo judex in causa sua* (*no one should be a judge in their own case*), is deeply ingrained in the fabric of these constitutional provisions.

- **Holistic Application:** The combined effect of Articles 14, 19, and 21 ensures that



natural justice principles are applied not only procedurally but also substantively across a wide range of state actions and laws.

- **Judicial Innovation:** The judiciary has interpreted these articles together to infuse natural justice principles into administrative and judicial processes. For instance, the *Maneka Gandhi* case connected Article 14's equality and fairness with Article 21's liberty and Article 19's freedoms, requiring all restrictions on these rights to adhere to natural justice.
- **Prevention of Arbitrary State Action:** The interplay ensures that state actions affecting fundamental rights are scrutinized for fairness, reasonableness, and procedural correctness, and adheres to the principal of natural justice.

### Constraints and Limitations of the Golden Triangle in the Indian Constitution

The Indian Constitution ensures that no person or citizen shall be deprived of fundamental rights except by the procedure established by law. The term "deprivation" refers to the entire denial or elimination of a fundamental right, whether temporarily or permanently, as a result of legal proceedings or extreme circumstances. In the case of *Bachan Singh v. the State of Punjab*<sup>19</sup>, Part III of the Constitution contains three Fundamental Rights (Articles 14, 19, and 21) that are stated as being of utmost significance and giving life to the concept of the rule of law. In the case of *Anita Khushwa v. Pushpa Sadan*<sup>20</sup>, the Hon'ble Supreme Court held that 'access to justice' is a fundamental right under Article 14 and Article 21 and it cannot be obstructed by any barriers. Even though the Articles 14, 19 and 21 form the bedrock of fundamental rights, their application is not absolute. The distinction between restriction and deprivation of fundamental rights under the Indian Constitution is based on the scope and nature of the limitations put on individual rights. Rights are restricted to avoid misuse, whereas deprivation includes absolute denial under authorized conditions in order to preserve public or state interests. Restrictions are necessary to strike a balance between individual rights and cater the larger interest of society, government, and nation as a whole. There is a substantial risk of fundamental rights being abused without restraint in order to hurt others or undermine the rule of law. It may also lead to conflict of rights with one

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<sup>19</sup> (1982) 3 SCC 24

<sup>20</sup> (2016) 8 SCC 509

another, necessitating constraints to maintain peace. For instance, the fundamental right of freedom of expression guaranteed under Article 19 may be limited to safeguard the dignity of others under the Article 21. In the case of *State of West Bengal v. Subodh Gopal Bose And Ors*<sup>21</sup>, the Hon'ble Supreme Court distinguished between "*restriction*" and "*deprivation*". It was opined that the state has the power to impose reasonable restrictions on fundamental rights to the extent where there is no deprivation of the rights of citizens unless specifically authorized by the Constitution. According to Anup Surendranath<sup>22</sup>, the **Maneka Gandhi case** raised the level of protection for the 'right to life and personal liberty' but standardized the level of protection for all freedoms. The **AK Gopalan case** recognizes that freedom under Articles 19 and 21 require different levels of protection, but its weakness is that it holds that the 'right to life and personal liberty' is to be protected to a lesser extent. Article 13 of the Indian Constitution permits the state to adopt laws that protect fundamental rights. The "**Doctrine of Eclipse**" serves as its foundation. If laws violate fundamental rights, they are ruled invalid or remain inactive until amended. The general principle of putting restrictions on the fundamental rights are:

1. The restriction must be recognized under the law.
2. The restriction must be in the interest of public order, sovereignty and integrity of India.
3. The restriction must be reasonable.
4. The restriction must pursue securing of a legitimate aim.

In the case of *State of Madras v. V.G. Row*,<sup>23</sup> the Hon'ble Supreme Court opined that law should be should be reviewed in terms of reasonableness. The Court shall evaluate not only the duration and scope of the limitations, but also the circumstances and manner in which their imposition has been authorized.

In the case of *Kasturi Lal Lakshmi Reddy v. State of Jammu And Kashmir & Anr*<sup>24</sup>, the Hon'ble Supreme Court opined that any government action that fails to meet the rationality

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<sup>21</sup> 1954 AIR 92

<sup>22</sup> Anup Surendranath, "Life And Personal Liberty" (2017)

<sup>23</sup> 1952 AIR 196

<sup>24</sup> 1980 AIR 1992

and public interest standards is likely to be declared invalid.

However, to address the issue of reasonable restriction, specific standards were developed through various legal processes for each article of the “Golden Triangle Articles”. The term “reasonable restriction” was defined as a constraint imposed on the enjoyment of a right that is neither arbitrary nor disproportionate in relation to what is necessary in the public interest.<sup>25</sup>

The test of “**Reasonable Classification**” was introduced as a judicial tool to curb if any action of state violates equality under Article 14. This concept was introduced in the case of *E.P. Rayappa v. State of Tamil Nadu*<sup>26</sup> the Hon’ble Supreme Court opined that any arbitrary act violative of Article 14 shall be deemed as invalid. It ruled that administrative authorities must act reasonably, non-arbitrarily, and non-discriminatorily. In the case of State of *West Bengal v. Anwar Ali Sarkar*<sup>27</sup> the twin test was analysed. It was opined that the classification must be founded on an *intelligible differentia* which distinguishes individuals in the group apart from the rest and such *differentia* must have nexus between the object to be achieved by the legislation.

The test for “**Reasonable Restrictions**” was introduced to implement ‘restrictions’ on the fundamental freedom under Article 19. The court must strike a balance between the social supervision allowed by Article 19(2) to (6) and the liberties protected by Article 19. In the case of *Dharam Dutt & Ors v. Union of India & Ors*<sup>28</sup>, the Hon’ble Supreme Court believed that laws could only put reasonable limitations on the enjoyment of fundamental rights, it cannot be used to deprive a right. Additionally, it stated that before imposing a restriction, the issues that must be resolved by considering the legislation's intent rather than being deceived by its outward appearance are: (i) The right in question must be a fundamental right (ii) covers restrictions specified under Article 19 Clauses (2) to (6) (iii) the nature of restriction, whether the restriction reasonable or unreasonable.

The test of “**Rationality Review**” is used for determining standard for imposing constraints on Article 21 of the Indian Constitution whether the restrictions are reasonable, fair, and

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<sup>25</sup> Bishambhar Dayal Chandra Mohan and vs State Of Uttar Pradesh, 1982 AIR 33

<sup>26</sup> 1974 AIR 555

<sup>27</sup> 1952 AIR 75

<sup>28</sup> AIR 2004 SUPREME COURT 1295

just. In *A.K. Gopalan vs. State of Madras*, the Supreme Court ruled that Article 21 applies only in cases of "total loss" of life or personal liberty. The judiciary established the criteria of substantive due process in *Maneka Gandhi v. Union of India*, which mandates that legislation impacting individual liberty be reasonable, fair, and just. In the case of *Justice K.S. Puttaswamy(Retd) vs Union Of India*<sup>29</sup>, the Hon'ble Supreme Court ruled that the right to liberty guaranteed by Article 21 of the Constitution is not absolute but is subject to restrictions. The Court also established the threefold test that must be met when determining the legal boundaries for invasion of privacy when examining the legitimacy of any law. They are: (a) The presence of a law; (a) A "legitimate state interest"; (c) The law must pass the "test of proportionality".

The tests explained above describe the standards of restrictions for each individual article evolved through various judicial precedents. The proportionality test is crucial for assessing the validity of legislative actions and governmental measures that curtail fundamental rights under the Golden Triangle Articles (Articles 14, 19, and 21) of the Indian Constitution. It is adopted from the Wednesbury principle. The test ensures that restrictions on rights are appropriate, reasonable, and consistent with the constitution's core principles. The interaction of individual rights and state interests is a fundamental component of constitutional government. To arbitrate this balance, courts use judicial theories in modern times such as the proportionality test. The proportionality test determines if a restriction on fundamental rights is reasonable, necessary, and balanced. It guarantees that the state's activities are reasonable on people. It weighs one right against the public interest. In the case of *Modern Dental College & Res.Cen. & Ors v. State Of Madhya Pradesh*<sup>30</sup> The term 'proportionality' was defined jurisprudentially as the set of guidelines establishing the necessary and sufficient circumstances for a legislation to limit a right guaranteed by the constitution in a way which is accepted by the constitution. It was also opined that while determining whether the challenged provisions of the statute and rules constitute reasonable restrictions brought out in the interest of the general public, the exercise that must be undertaken is the balancing of fundamental rights with the restrictions to be imposed. This is known as 'Doctrine of Proportionality'. The Proportionality test is a sequential four part

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<sup>29</sup> AIR 2018 SC (SUPP) 1841

<sup>30</sup> (2016) 7 SCC 353

test which focuses on single layer analysis of the relationship between a restriction on a fundamental right and its intended purpose. The four part test<sup>31</sup> includes:

1. **Lawful Aim Test:** Evaluating the legislation to check if it has a valid and legal goal. The restriction must serve a lawful public interest aim, such as maintaining public order, national security, public health, or preserving the rights of others.
2. **Suitability Aim Test:** Evaluating if the measure is appropriate to attain the lawful purpose. The action must have a rational nexus with the objective it seeks to accomplish. The measure fails this phase if it is not likely to assist accomplish the stated goal.
3. **Necessity Test:** Evaluating the requirements of the measure and choosing a less restrictive substitute to accomplish the legal objective. The least intrusive method of achieving the objective must be used. If a less restricted alternative yields the same outcome, the intended measure becomes ineffective.
4. **Proportionality Stricto Sensu (Balancing Competing Interests):** Evaluating the advantages of accomplishing the justifiable goal outweigh the risks to the right. The court must aim to balance the public interest that the legislation serves against the rights of the individual. The restriction must not result in disproportionate or unwarranted damage.

While the proportionality test adequately determines whether a governmental action limiting a fundamental right is acceptable, it does not address instances in which fundamental rights conflict with one another due to which the ‘Double Proportionality Test’ came into the picture. The “Double Proportionality test” is a dual layered analysis which aims to strike a balance between conflicting fundamental rights. The transition from the proportionality test to the double proportionality test demonstrates the judiciary's response to evolving legal and societal challenges. It ensures that constitutional adjudication will always be balanced and fair, especially when there are competing with the fundamental rights. By adding an additional degree of analysis, the double proportionality test provides

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<sup>31</sup>Aditya Jain & Ayushi Shukla “Proportionality Principle in India: A Hollow Promise?” available at <https://nualslawjournal.com/2024/10/23/proportionality-principle-in-india-a-hollow-promise/>

a thorough tool to manage the complexity of modern legal conflicts. The primary aim is to balance the rights against each other.

In the case of *Subramanian Swamy v. Union of India*<sup>32</sup>, the Hon'ble Supreme Court opined that the Doctrine of proportionality acknowledges the need to balance conflicting rights. Additionally, it said that it establishes a limit that does not violate the reasonable limitation requirement. The decision highlights the application of the proportionality principle to establish whether limits on fundamental rights are justified, ensuring that their applicability is within the ambit of legal authorized aim.

In the case of *Association for Democracies Reforms vs Union of India*<sup>33</sup> the double proportionality criteria was established to appropriately balance two competing fundamental rights. It was also opined that the proportionality test determines if an infringement of a fundamental right is justifiable, distinguishing it from the double proportionality test. The additional principles emphasized that any restriction must pursue a legitimate goal and be an appropriate method to achieve it, demonstrating a clear link between the restriction and its purpose. Courts often assess if a less restrictive option exists to achieve the same result while limiting interference with rights. Lastly, examining whether the restriction has an unfair impact on either right, aiming to ensure a balanced approach where neither is excessively affected.

The integrated proportionality test addresses the limitations of fragmented assessments in resolving cases involving complex and overlapping rights. It ensures a full evaluation while considering the interconnectedness of rights by assessing the interaction between rights and constraints within a single framework. It takes into account the context of rights limits by analyzing the interactions between conflicting rights in a single situation, as opposed to conducting parallel assessments. In the case of *Justice K.S. Puttaswamy(Retd) v. Union of India*<sup>34</sup> The court contended that while adjudging the constitutionality of a provision, the prevailing conditions and principles of proportionality must guide its analysis, ensuring that any infringement of fundamental rights, is proportionate to the law's purpose. Proportionality requires the State to justify that legislative measures infringe on rights only to the minimum degree necessary to achieve a legitimate aim, establishing a rational nexus

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<sup>32</sup> [2016] 3 S.C.R. 865

<sup>33</sup> 2024 INSC 113

<sup>34</sup> AIR 2018 SC (SUPP) 1841

between the law's objectives and the means employed. The reasonableness of restrictions must be assessed objectively from the perspective of public interest rather than the subjective claims of any individual. Proportionality is acknowledged as a fundamental principal of constitutionalism, representing a worldwide transition from a cultural power to rationality. The test establishes whether the state's infringement on rights like choice, privacy, and dignity is justified given the goals of society. In order to prevent arbitrary state action and maintain the interdependence of laws against arbitrariness and protection of life and liberty, both procedural and substantive parts of legislation must adhere to the proportionality standards.

In the case of *Anuradha Bhasin v. Union Of India*<sup>35</sup>, a law that restricts fundamental rights must serve a legitimate state goal and demonstrate a clear relationship between the measures, the circumstances, and the desired outcome. The actions should be essential and not violate rights beyond what is required to achieve the goal. Restrictions must serve legitimate goals and protect them, while also providing protections for data storage and protection. The collection and use of personal data must be authorized, based on individual permission, and restricted to the intended purpose. Individuals retain ownership of their data, and they must have access to it as well as the ability to opt out.

### **Present Scenario of the tests**

The Doctrine of Proportionality has evolved into several variants to accommodate certain legal contexts. The applicability of these distinctions depend on the type of dispute, the rights at stake, and the approach taken by the legal system. A single test does not contain all of the rigid standards or necessary elements of any assessment determining the limitation or the restriction exclusively for the Golden Triangle Articles. Although the Hon'ble Supreme Court has noted that there are variations in the methods used to apply the proportionality doctrine, it is undeniable that proportionality has emerged as the universal language of judicial systems worldwide with regard to the situations in which restricting fundamental rights is appropriate.<sup>36</sup> The idea is commonly used selectively, which undermines its main objective of providing a thorough, methodical analysis to balance the rights of individuals and the interests of the state. The proportionality test is crucial because

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<sup>35</sup> AIR 2020 SUPREME COURT 1308

<sup>36</sup> Justice K.S. Puttaswamy v. Union of India

it allows the court to determine whether a legislative provision is disproportionate in its interference with a fundamental right.<sup>37</sup> In the case of the *Association for Democratic Reforms vs Union of India*<sup>38</sup>, it was opined that first and second steps of the four-part test of the doctrine of proportionality, legitimate aim, and rational connection, as well as the third step, necessity, to some extent, are factually based whereas the balancing stage is applied 'normatively', by weighing the gravity of the of the right infringement against the urgency of the factors that justify it. In the first three levels of examination, the court prioritizes scientific evidence. If evidence is ambiguous or non-existent, reason and logic will be considered. Factors such as a lack of legislative inquiry and a failure to conduct appropriate inquiries influence the decision rendered by the court. In the absence of facts and numbers, there is a lack of standards for determining proportionality *stricto sensu*.

## Survey

A survey annexed as **Annexure-A** was conducted to understand the complex relationship between Article 14 (Right to Equality), Article 19 (Freedom of Speech and Expression) and Article 21 (Right to life and Personal Liberty) of the Indian Constitution, with a specific focus on the evolving application and requirement of the test in judicial decision-making consisting of 20 questions featuring a combination of open-ended and closed-ended questions. The survey-based study aimed to comprehend how these Articles are viewed, interpreted, and used in pragmatic legal and social circumstances. A systematic questionnaire was used to gather information from 55 respondents, which included legal professionals, informed individuals and law students.

## Result of Survey

- **Awareness and Understanding of Fundamental Rights:** The questions (Q1-Q5) are designed to examine public opinion and individual perspectives on the protection, relevance, and execution of fundamental rights in the nation, as well as to identify levels of satisfaction with how well fundamental rights are safeguarded in India.

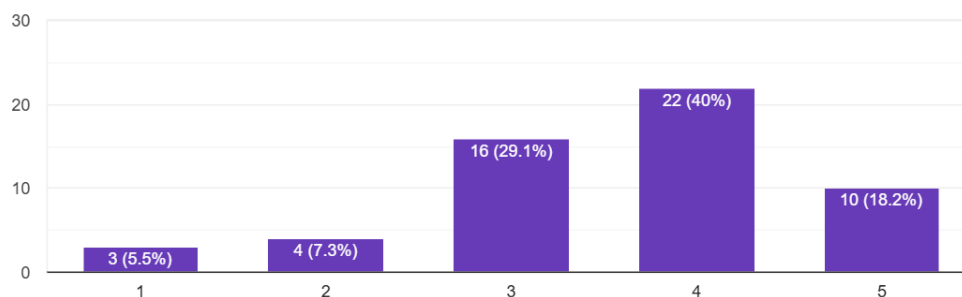
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<sup>37</sup> Anuradha Bhasin vs Union Of India

<sup>38</sup> 2024 INSC 113



Around 40% of the respondents were satisfied with the protection of fundamental rights in India as shown in Table 1.

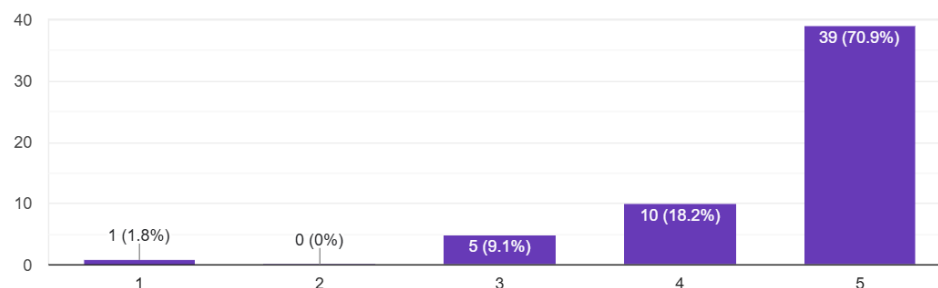


**Table 1**

Around 70.9% respondents believe that fundamental rights are important for daily lives as shown in Table 2.

Q2. How important are fundamental rights to your daily life? (On a scale of 1-5, 1 being the lowest to 5 being the highest)

55 responses

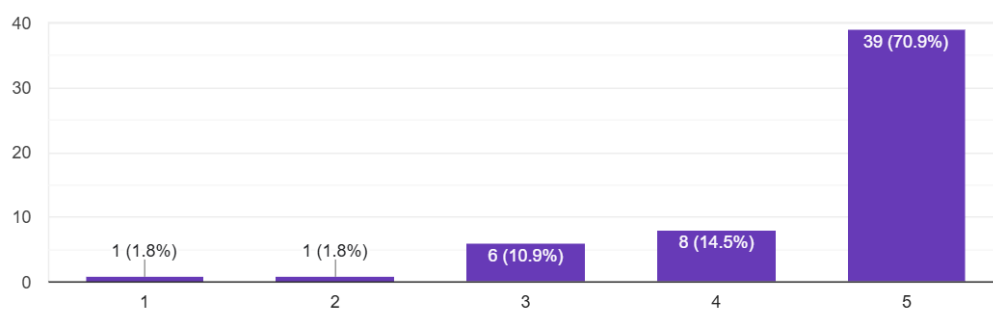


**Table 2**

The findings reveal that 70.9% believe that the 'principle of equality before law' are important emphasizing the value placed on Article 14 as shown in Table 3.

Q3. How important is the principle of equality before law to you? (On a scale of 1-5, 1 being the lowest to 5 being the highest)

55 responses

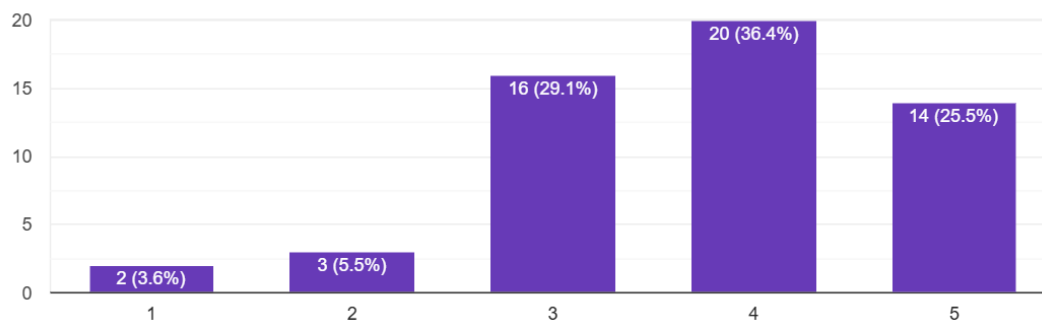


**Table 3**

Around 36.4% believe on the judiciary's ability to uphold fundamental rights as shown in Table 4.

Q4. How confident are you in the judiciary's ability to uphold fundamental rights? (On a scale of 1-5, 1 being the lowest to 5 being the highest)

55 responses



**Table 4**

Around 78.2% believe that everyone in India disagreed on equal access to justice while 14.5% agreed and 7.3% were uncertain as shown in Illustration 1

Q5. Do you think everyone in India has equal access to justice?

55 responses

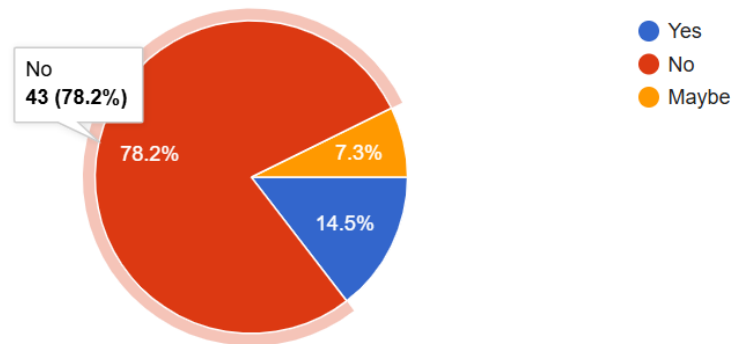


Illustration 1

- **Practical application and Reliability of Fundamental Rights:** The questions (Q6 & Q7) aim to evaluate the effective applicability of fundamental rights in society and assesses reliable of their protection particularly in addressing issues such as liberty and discrimination.

Around 54.5% respondents believe that government should not prioritize individual liberty over national security indicating a preference for protecting the national security concerns as shown in Illustration 2.

Q6. Should the government prioritize individual liberty over national security concerns?

55 responses

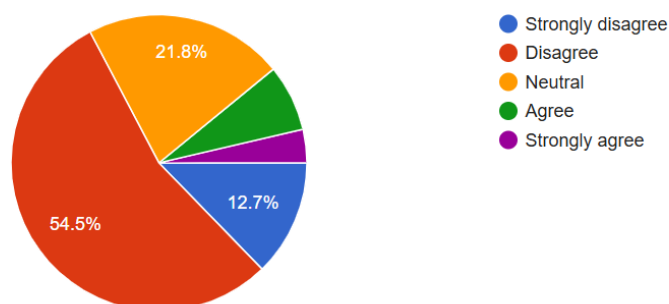
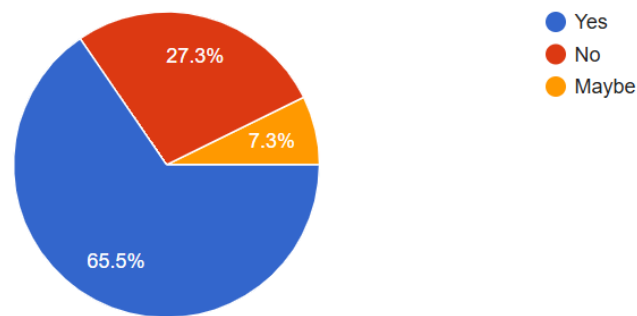


Illustration 2

Around 65.5% believe that they or someone they know have experienced discrimination based on caste, religion or gender as shown in Illustration 3.

Q7. Have you or someone you know experienced discrimination based on caste, religion or gender ?

55 responses



**Illustration 3**

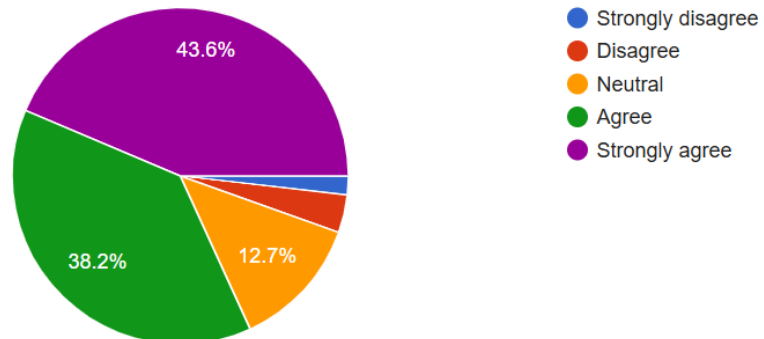
- **Assessing the Constitutional Significance of Articles 14, 19, and 21**

The questions (Q8-11) are designed to assess the comprehension and perception of the fundamental 'Golden Triangle Articles' as described in the Maneka Gandhi case, as well as how these articles operate together to promote justice, fairness, and individual liberties in India's legal system.

About 43.6% strongly agree that the interaction between Articles 14, 19, and 21 plays a vital role in protecting the rights of the citizen, while 38.2% only agree with the context. Around 12.7% remain neutral, 3.6% disagree, and 1.8% strongly disagree as depicted in Illustration 4.

Q8. To what extent do you agree that the interplay between Articles 14, 19, and 21 is crucial in protecting the rights of citizens?

55 responses

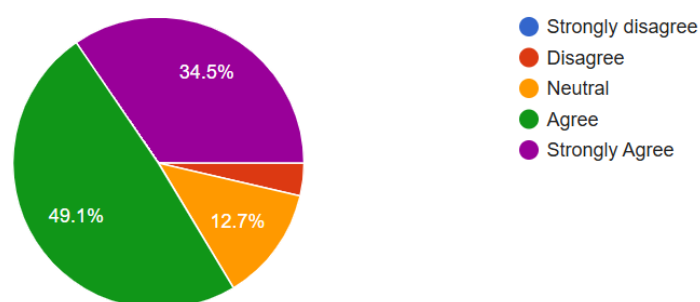


**Illustration 4**

Around 49.1% Agree that the principles outlined in Articles 14, 19, and 21 are vital to the Constitution's commitment to justice, liberty, and equality, while 34.5% strongly agree. Additionally, 12.7% remain neutral, and 3.6% disagree as depicted in Illustration 5

Q9. Do you believe that the principles enshrined in Articles 14, 19, and 21 form the core of the Constitution's promise of justice, liberty, and equality?

55 responses

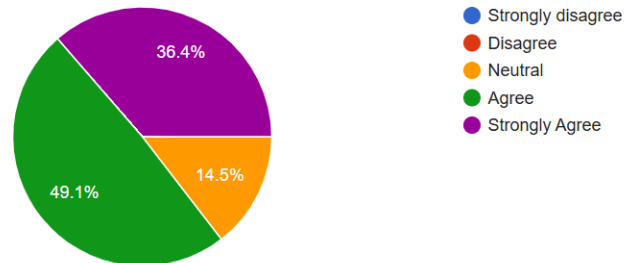


**Illustration 5**

Around 49.1% agree that it is the judiciary's role to balance the competing interests of equality (Article 14), freedom of speech (Article 19), and the right to life (Article 21), while 36.4% strongly agree, and 14.5% remain neutral as depicted in Illustration 6

Q10. How important do you think it is for the judiciary to balance the competing interests of equality (Article 14), freedom of speech (Article 19), and the right to life (Article 21)?

55 responses

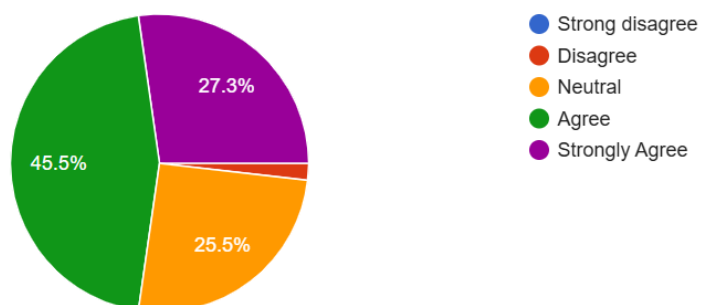


**Illustration 6**

Around 27.3% strongly agree and 45.5% agree that the *Maneka Gandhi* case played a significant role in redefining the scope of Article 14, 19 and 21, while 25.5% remain neutral and 1.8% disagree as shown in Illustration 7

Q11. How important do you think the *Maneka Gandhi* case was in redefining the scope of these articles?

55 responses



**Illustration 7**

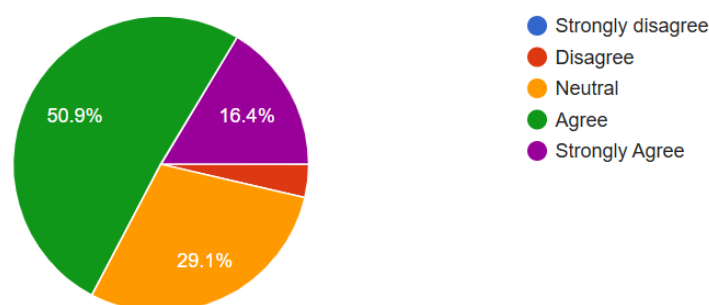
### Assessing the Judicial Interpretation and Evolving Constitutional Doctrines

The questions (Q12 - 15) aims to examine public perceptions on effective application by the judiciary of constitutional principles in real-world cases. It also determines opinions on whether judicial interpretation should evolve to further protect and expand fundamental rights under Articles 14, 19, and 21.

Around 50.9% agree that the judiciary in India applies the interdependence of these articles in landmark cases, while 16.4% strongly agree. Additionally, 29.1% are neutral, and 3.6% disagree as shown in Illustration 8

Q12. In your opinion, how well does the judiciary in India apply the interdependence of these articles in landmark cases?

55 responses

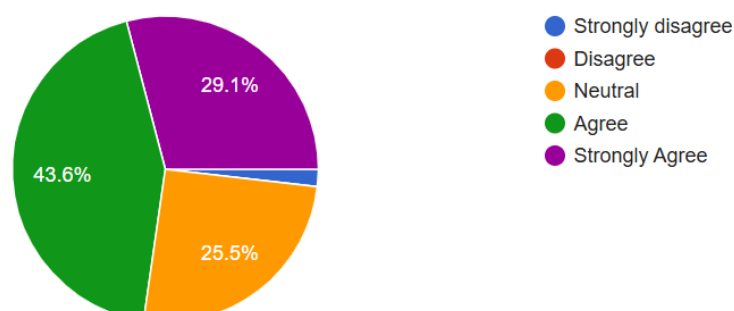


**Illustration 8**

Around 29.1% strongly agree and 43.6% agree that the judiciary should further expand the scope of Articles 14, 19, and 21, while 25.5% are neutral and 1.8% strongly disagree as shown in Illustration 9

Q13. Do you believe the judiciary should further expand the scope of these articles?

55 responses



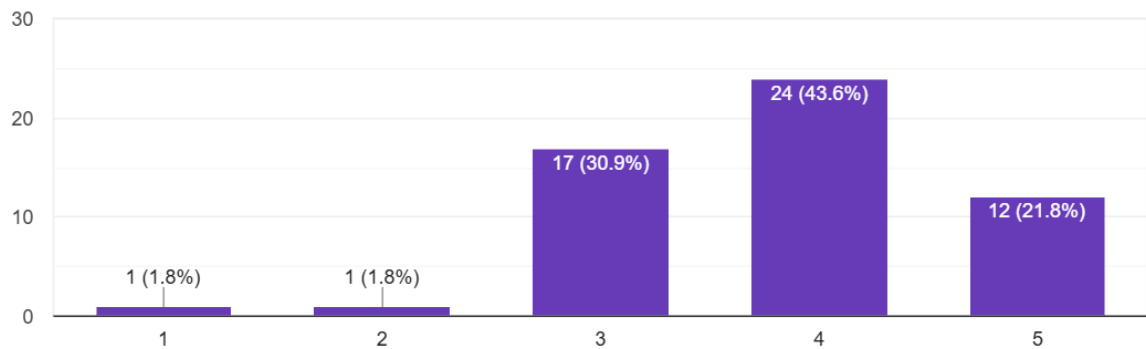
**Illustration 9**

Approximately 43.6% rate the judiciary's application of the interdependence of these articles in landmark cases as excellent, while 30.9% agree. Additionally, 21.8% are neutral, 1.8%

disagree, and 1.8% rate it as poor as shown in Illustration 10

Q14. In your opinion, how well does the judiciary in India apply the interdependence of these articles in landmark cases? (On a scale of 1 to 5, 1 being poorly to 5 being excellent)

55 responses

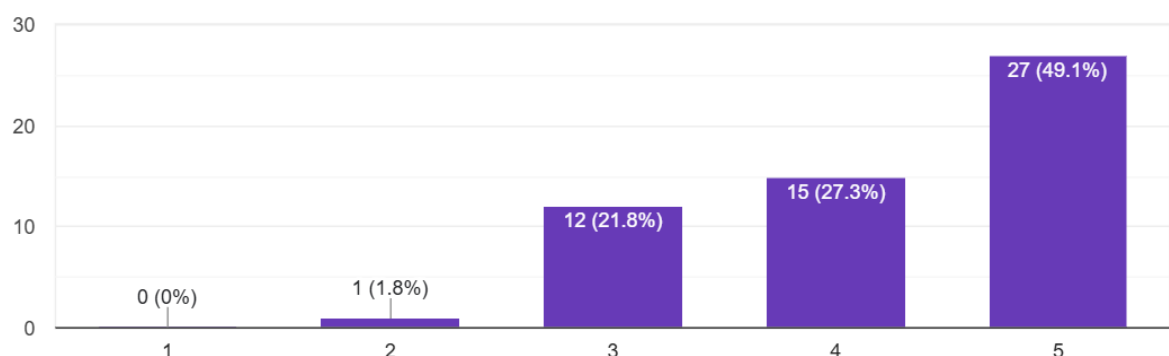


**Illustration 10**

Around 49.1% rate the role of judicial interpretation in evolving the golden triangle doctrines as excellent, while 27.3% agree. Additionally, 21.8% are neutral, and 1.8% rate it as poor as shown in Illustration 11

Q15. How significant do you think the role of judicial interpretation is in evolving the Golden Triangle doctrine? (On a scale of 1- 5, 1 being not significant to 5 being highly significant)

55 responses



**Illustration 11**



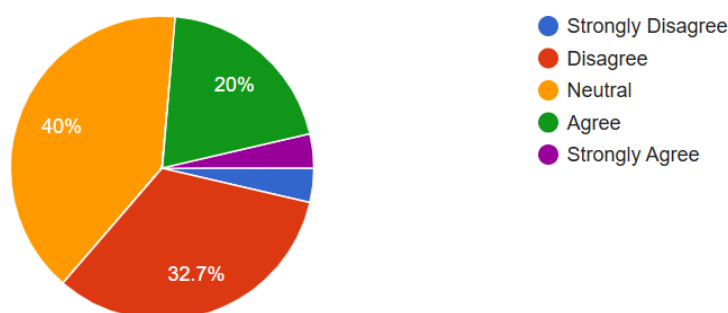
**Evaluating Judicial Approaches to the Golden Triangle Articles and Their Challenges:**

The questions (Q16 - 20) aim at gathering opinions about the judiciary's role in interpreting the Golden Triangle Articles, its potential for overreach, and the significance of establishing a test to restrict its reach.

Around 40% remain neutral and 20% agree that the judiciary should introduce a test to limit the scope of the golden triangle articles, while 32.7%, 3.6% disagree, and 3.6% strongly disagree as shown in Illustration 12

Q16. Do you believe the judiciary should introduce a test to limit the scope of the Golden Triangle Articles?

55 responses



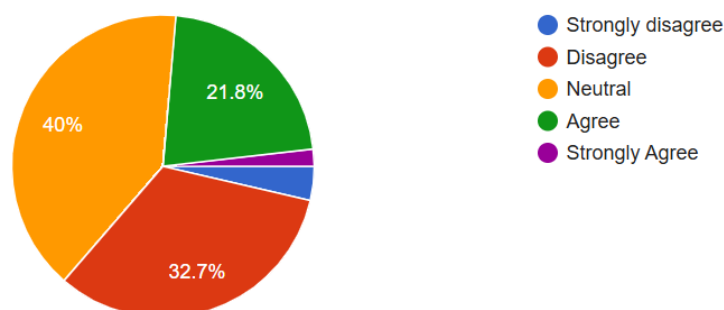
**Illustration 12**

Question 17 was an open ended question which aim to seek opinion on introduction of a test by the judiciary to limit the scope of the Golden Triangle Articles. The public opinion on limiting the scope of the Golden Triangle Articles (14, 19, and 21) is polarized. Some support introducing a test to ensure balance between individual rights and state interests while retaining judicial independence. Critics argue that restricting their scope would reduce judicial flexibility in adapting the societal changes and weaken protections against governmental abuses. However, some believe that the judiciary already employs adequate tools, such as proportionality tests, to guarantee fair interpretations.

Around 40% remain neutral on the interconnectedness interpretation of 'Golden Triangle Articles' have the risk of judicial overreach and 32.7% disagree while 21.8% agree and 3.6% respondents strongly disagree while 1.8% strongly agree as shown in Illustration 13

Q18. In your opinion, does the interconnected interpretation of these articles risk judicial overreach?

55 responses



**Illustration 13**

Question 19 was an open ended question which aimed to examine opinion on interconnected interpretation of ‘Golden Triangle Articles’ may risk judicial overreach. Public opinion on the judiciary’s interconnected interpretation of Articles 14, 19, and 21 reflects a nuanced perspective. Some believe this interpretation is essential for safeguarding fundamental rights in a dynamic society, as it allows the judiciary to address gaps left by the legislature. Critics are concerned about judicial overreach, advocating that wide reach of these articles can blur the lines between judicial interpretation and policymaking, potentially undermining the legislative branch’s authority. While many recognize the potential of overreach, they believe that a flexible judiciary is vital to preserve individuals' rights as long as it adheres to the separation of powers and is not unduly intrusive. Although there are concerns, a few respondents believe that the interconnectedness of these articles offers a powerful framework for protecting individual rights, and judicial overreach if it occurs, in order to ensure justice in a dynamic society. The overarching view is that while judicial overreach may occur, it is essential for maintaining fundamental rights, and mechanisms like proportionality and reasonableness tests can prevent such overreach.

Question 20 was an open ended question which sought public opinion on most significant challenge to the Golden Triangle Articles in India primarily revolving around the balance between individual rights and state interests. Many respondents pointed out that the articles are interconnected, and when misinterpreted, they can lead to inequality, caste-based discrimination, and restrictions on freedom of expression. Some feel that executing these rights would be difficult due to concerns such as court delays, legal misunderstandings, and political

manipulation. Respondents emphasized the risk of judicial overreach, where courts might expand these rights beyond their constitutional limits, potentially leading to conflicts with legislative and executive powers. Respondents agreed that more effective implementation, judicial restraint, and public education are essential to overcoming these challenges and ensuring the continued protection of fundamental rights under the Golden Triangle Articles.

## Suggestions and Conclusion

Some of the suggestions to improve the applicability of doctrine of proportionality are as follows:

- 1. Scrutinize Empirical Data:** As outlined in the case of *Association for Democratic Reforms v. Union of India (2024)*, the four part test must assess empirical evidence and objective standards as opposed to subjective judgment, especially during the test's necessity and balancing phases.
- 2. Engagement of Public and Expert inputs:** Establishment of mechanisms for public consultation and expert input in proportionality assessments for enhancing and ensuring well-informed judicial decisions.
- 3. Reliance on Judicial Precedents and Comparative Law:** Encouraging courts to review international judicial precedents and best practices in order to improve the proportionality analysis and ensure that it is used consistently.
- 4. Regular Review and Reform:** Conduct periodic assessments of how proportionality is utilized in judicial judgments in order to detect discrepancies and improve implementation over time.

The *Maneka Gandhi case* highlights the importance of the interplay between Articles 14, 19, and 21. This has evolved through various cases, including *KS Puttaswamy case*, which highlighted the importance of tests for balancing individual rights with state interests. The doctrine of proportionality has played a critical role in this process. However, its selective application contradicts its prime objective of comprehensive analysis. The four-part proportionality test, as outlined in *Association for Democratic Reforms v. Union of India (2024)*, includes both fact-based and normative judgments, with the balancing step necessitating a decision on the gravity of the rights violation and the supporting elements.

The court prefers scientific evidence in the first three processes, but reasoning and logic are used if such evidence is unavailable. However, the absence of precise norms and dependence on subjective reasoning in some circumstances might cause contradictions in judicial interpretations and decisions.

### Annexure-A

Q1. How satisfied are you with the protection of fundamental rights in India? (On a scale of 1-5, 1 being the lowest to 5 being the highest) \*

1	2	3	4	5
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q2. How important are fundamental rights to your daily life? (On a scale of 1-5, 1 being the lowest to 5 being the highest) \*

1	2	3	4	5
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q3. How important is the principle of equality before law to you? (On a scale of 1-5, 1 being the lowest to 5 being the highest) \*

1	2	3	4	5
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q4. How confident are you in the judiciary's ability to uphold fundamental rights? \*

(On a scale of 1-5, 1 being the lowest to 5 being the highest)

1	2	3	4	5
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q5. Do you think everyone in India has equal access to justice? \*

- ☐ Yes
- ☐ No
- ☐ Maybe

Q6. Should the government prioritize individual liberty over national security concerns? \*

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Neutral
- ☐ Agree

Q7. Have you or someone you know experienced discrimination based on caste, religion or gender ? \*

- ☐ Yes
- ☐ No
- ☐ Maybe
- 

Q8. To what extent do you agree that the interplay between Articles 14, 19, and 21 is crucial in protecting the rights of citizens? \*

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Neutral
- ☐ Agree
- ☐ Strongly agree
- 

Q9. Do you believe that the principles enshrined in Articles 14, 19, and 21 form the core of the Constitution's promise of justice, liberty, and equality? \*

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Neutral
- ☐ Agree

Q10. How important do you think it is for the judiciary to balance the competing interests of equality (Article 14), freedom of speech (Article 19), and the right to life (Article 21)? \*

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Neutral
- ☐ Agree
- ☐ Strongly Agree

Q11. How important do you think the *Maneka Gandhi* case was in redefining the scope of these articles? \*

- ☐ Strong disagree
- ☐ Disagree
- ☐ Neutral
- ☐ Agree
- ☐ Strongly Agree

Q12. In your opinion, how well does the judiciary in India apply the interdependence of these articles in landmark cases? \*

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Neutral
- ☐ Agree
- ☐ Strongly Agree

Q13. Do you believe the judiciary should further expand the scope of these articles? \*

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Neutral
- ☐ Agree
- ☐ Strongly Agree

Q14. In your opinion, how well does the judiciary in India apply the interdependence of these articles in landmark cases? (On a scale of 1 to 5, 1 being poorly to 5 being excellent) \*

- |                       |                       |                       |                       |                       |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 1                     | 2                     | 3                     | 4                     | 5                     |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Q15. How significant do you think the role of judicial interpretation is in evolving the Golden Triangle doctrine? (On a scale of 1- 5, 1 being not significant to 5 being highly significant) \*

- |                       |                       |                       |                       |                       |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 1                     | 2                     | 3                     | 4                     | 5                     |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Q16. Do you believe the judiciary should introduce a test to limit the scope of the Golden Triangle Articles? \*

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neutral
- ☐ Agree
- ☐ Strongly Agree



Q17. With reference to the above question, why do you feel so? \*

Your answer

---

Q18. In your opinion, does the interconnected interpretation of these articles risk judicial overreach? \*

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Neutral
- ☐ Agree
- ☐ Strongly Agree

Q19. With reference to the above question, why do you feel so? \*

Your answer

---

Q20. What do you think is the most significant challenge to the Golden Triangle Articles in India? \*

Your answer

---