
IS THE GOLDEN TRIANGLE STILL “GOLDEN”?

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ABSTRACT

The Golden Triangle of the Indian Constitution comprises Articles 14, 19, and 21. These provisions have acquired special significance because of their deep commitment to freedom, equality, and democratic values. When read together, these provisions ensure rigorous constitutional scrutiny of state action and function as a shield against unjust and unreasonable laws. Over time, the scope and meaning of these rights have evolved continuously. A significant turning point was the landmark judgment in *Maneka Gandhi v. Union of India*¹, which transformed and refined the interpretation of Articles 14, 19, and 21, and marked an important shift in Indian constitutional jurisprudence. Since then, a range of factors have acted as catalysts in shaping how these rights are understood. These include developments in artificial intelligence, emerging national security concerns, and turbulent economic policies. Correspondingly, the judicial approach to these provisions has moved towards a more purposive interpretation of the constitutional mandate, emphasizing the underlying spirit of the rights rather than a narrow or literal reading of the text. While the legislative intent underlying the Golden Triangle largely remains intact, the way in which these rights manifest in contemporary times has changed. The primary question this paper seeks to answer is whether the Golden Triangle continues to remain truly “golden” in its ability to safeguard individual rights and liberties or has its force diluted in practice. Through critical analysis, examination of constitutional case laws, and inter-jurisdictional comparisons, the paper aims to trace the original intent behind the Golden Triangle, analyze its evolution over time, and assess whether its constitutional promise has been realized in practice.

¹ *Maneka Gandhi v. Union of India* (1978) 1 SCC 248.

I. Introduction: What is the Golden Triangle?

The Indian Constitution can often present itself as a double-edged sword. While it promises to protect the rights and freedoms of its citizens, it must also regulate and restrain the exercise of State power. Maintaining this balance is deeply embedded within the framework of fundamental rights. Among these rights, certain articles have acquired a unique distinction due to their commitment to this constitutional promise. Articles 14, 19, and 21 together form the Golden Triangle of the Constitution. Although their interpretation has evolved over time, their core essence remains unchanged. However, the interdependence of these rights is frequently tested in a democratic system. Over the years, the impact and strength of this cohesive framework have gradually weakened. While some judicial decisions adopt an integrated approach to constitutional scrutiny, others disregard it altogether. This inconsistent application of the law, coupled with political fatigue and the misuse of State power, has led to a gradual erosion of the practical force of these provisions. This raises the imperative question of whether the constitutional promises of the Golden Triangle have faded in practice or still remain true.

II. The Constitutional Promise

Part III of the Indian Constitution comprises of the Fundamental Rights. These rights are meant to protect individuals from excessive use of state power. Articles 14, 19 and 21 are central to this promise. Earlier, these articles were often discussed and executed in isolation, deviating them from their intended purpose. Consequently, the understanding of the Golden Triangle was always contested and reimagined. The inception of this debate can be traced to the Supreme Court's judgment in the case of *A.K. Gopalan v. State of Madras*² (a case arising from the preventive detention of a political leader under the Preventive Detention Act, 1950) where a narrow understanding of Article 21 was adopted. The case ruled that Article 21 was satisfied as long as there was a law prescribing to a procedure for depriving liberty, regardless of whether that procedure was fair or reasonable. The Court also failed to examine the preventive detention law under Articles 14 and 19, treating them as irrelevant once Article 21 was invoked. Eventually, this understanding ended up weakening constitutional scrutiny. Finally, the judicial understanding was reconsidered in case of *Maneka Gandhi v. Union of India* (also referred to as the Passport Case). The case put into perspective the value of judicial activism and brought about a new dimension of broadening horizons of fundamental rights in general and Article 21,

² *A.K. Gopalan v State of Madras* AIR 1950 SC 27 (SC).

in particular. The case is called the “Golden Triangle” case in which Articles 14, 19 and 21 were appealed simultaneously, and the apex court appreciated it. It properly provided that the process under Article 21 should be just, fair and reasonable, and that any legislation that impacted liberty should also fulfill the need for equality under Article 14 and the freedoms under Article 19. It was an example of how judiciary should transcend the technicality and formalism of the law and uphold constitutional protection.

III. Evolution of the Definition

Under the statutory interpretation of articles, the constitutional provisions are read strictly in accordance with their textual wordings. This literal method treats statutory language as the dominant guide and discourages courts from departing from the text, even where such departure may lead to harsh or unjust outcomes.³ But this understanding of the statutes often leads to unjust or unintended outcomes, leading to unfairness and arbitrariness. This approach was often deployed in cases involving the Golden Triangle, and it ultimately weakened constitutional protection by fragmenting the application of Articles 14, 19, and 21. To overcome this, the courts have recently started adopting a purposive approach to statutory interpretation. Under this, the focus is on identifying and applying the legal intent, reason, and object of the statute. It aims to advance the legislative intent and ensure that the constitutional objective is achieved. This shift has made a significant change in understanding the Golden Triangle. If we take the example of the case *Olga Tellis v. Bombay Municipal Corporation*⁴, the scope of Article 21 was expanded beyond its textual understanding and right to livelihood was deemed a necessity. This highlights how the purposive interpretation has allowed the Golden Triangle to function as a more effective and meaningful safeguard. The same concept is also seen in cases like *K.S. Puttaswamy v. Union of India*⁵, where right to privacy was recognized as a fundamental right. Consequentially, what was once confined to rigid understanding of the article gradually turned into a beacon of hope for the citizens, one that not only listens but also understands and delivers justice to the masses and can ameliorate the social realities.

IV. Challenges to the Golden Triangle

There are two main challenges which threaten the effective practice of the Golden Triangle in

³ Francis Bennion, *Bennion on Statutory Interpretation* (5th edn, LexisNexis 2008) 451–453.

⁴ *Olga Tellis v. Bombay Municipal Corporation* (1985) 3 SCC 545 (SC).

⁵ *Justice K.S. Puttaswamy (Retd) v. Union of India* (2017) 10 SCC 1 (SC).

a democracy. The first challenge is the rapid technological advancement which is taking place especially in the domains of Artificial Intelligence, national security etc. These developments create a new uncharted territory for the judicial system. While such advancements are welcomed and cherished by the public and are imperative for the progress of the nation, they raise difficult and often uncomfortable questions about privacy and surveillance. These developments often occur without sufficient constitutional safeguards, simply because they are happening faster than the law can respond. For example, artificial intelligence systems are often trained on large quantities of copyrighted content, e.g. books, music, or images, without explicit consent of the authors of the sources. Though the intellectual property laws are supposed to protect the people who create and innovate, the current laws fail to provide a clear indication on whether the use of such material in training the AI constitutes copyright infringement. This has led to a situation where technological development tends to proceed without any legal direction, which leads to the clash of innovation, ownership, and personal rights.

The second challenge relates to how arbitrary the application of Golden Triangle is and is not consistent across the various courts. This selective application demonstrates that the Golden Triangle does not operate consistently across different categories of rights. The procedural analysis of Article 21 is often divorced from the constitutional scrutiny of Article 14 and 19. For instance, in cases where preventive detention is involved, the courts put emphasis on whether the detention was preceded by the process stipulated by law under Article 21 in terms of providing timely grounds or approval by an advisory board. Moreover, they have overlooked whether the detention in itself was arbitrary under Article 14 or whether it created unreasonable limitations on personal liberty under Article 19. This narrow scope of interest in procedure and disregard of equality and reasonableness demonstrates the unequal application of the principle of the Golden Triangle in practice, despite the postulates given in the *Maneka Gandhi* judgement.

V. The Present Times

The key question today is whether the Golden Triangle still functions as an effective constitutional safeguard or has become largely symbolic in practice. The history of judicial protection of human rights in India revolves principally around Article 21 of the Constitution of India, 1950, and its interpretation by the Supreme Court of India.⁶ By placing Article 21 on

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a slightly higher threshold, an imbalance within the golden triangle is caused. Their integrated scrutiny gets diluted. It is also noted that although Articles 14 and 21 have been judicially expanded over time, the actual application of these rights remains inconsistent due to judicial restraint and institutional limitations.⁷ This results in the creation of a legislative gap. Thus, while these rights appear robust on paper, their real-world implementation remains uneven and inconsistent. For example, after the right to privacy was recognized as a fundamental right, one would expect meaningful constitutional protection in such cases. However, even today, in practice, questions around data collection, surveillance, and the sharing of personal information by the State are often resolved by simply asking whether there is a law permitting such action, rather than by closely examining how these measures affect individual freedom, equality, and privacy when Articles 14, 19, and 21 are read together. What this highlights is not that the Golden Triangle has disappeared, but how it has transformed into a more procedural form of review, with less focus on substantive protection of rights.

VI. Conclusion: The Way Forward

The Golden Triangle was intended to be a constitutional promise of freedom, equality, and constitutional protection. While its meaning has evolved over time, the promise remains the same. The purposive approach which is now applied by the courts to understand and apply these rights has expanded the meaning of justice for the citizens of the nation. It prioritizes substantive justice over mere procedural formalism. However, as this paper highlighted, the constitutional promise has been very unevenly applied. The problem today, however, is not simply the absence of constitutional doctrine, but its fragmented practice. For the Golden Triangle to remain truly “golden,” the legislature and judiciary must reiterate the importance of the combined impact of state action on rights, rather than viewing each violation in isolation. Only then can this principle protect individual rights and help turn the Constitution’s promise of justice, liberty, and equality into the reality.

⁷ Sunil Khosla and MM Semwal, ‘Human Rights Jurisprudence in Indian Constitution: Right to Equality and Life—Concept and Substance’ (2011) 72(4) *Indian Journal of Political Science* 932–933.