

## **Article 14, 19, 21 –[Fundamental Rights In Indian Constitution]**

### **INTRODUCTION**

Fundamental Rights are basic rights that are both legal and human rights with a small line difference & comprised in part III of the Indian Constitution. The Fundamental Rights are meant for promoting political democracy. Fundamental Rights aim at establishing “ a government of laws and not of men. Because these rights are guaranteed against state action against the citizens of India. They are not absolute as some restrictions are imposed by the State including national security, public order, contempt of court, etc. But the restrictions imposed on These rights should be reasonable and decided by the court. There are six fundamental rights which are the right to equality, the right to freedom, the right against exploitation, the right to freedom of religion, cultural and educational rights, and the right to Constitutional Remedies. Constitution provides for their Suspension during the emergency made by the President according to Article 358. Articles 14,20,21,22,25,26,27,28<sup>1</sup> are available to noncitizens also. Article 14, Article 19, and Article 21 are known as the golden triangle of the Indian Constitution. Because they provide full security, abolishing inhuman practices. & Provide meaningful life to the people and automatically brings harmony among all the citizens.

---

<sup>1</sup> Gaurav Mehta, Guide to LL.M. Entrance Examination Pg. 510 (LexisNexis 2021)

## **Article 14, 19, and 21 as Golden Triangle**

**Article 14:-** It is the First Fundamental Rights that talks about equality. This Fundamental Right ensures the guarantee to every citizen of India. This right permits classification but prohibits class legislation and It gives rights to non-citizens also. This means all the citizens will be treated as equal and there will be no discrimination and everyone will get the same punishment for the same crime but there are certain exceptions to the right to equality. According to Article 361, the President and governors shall not be exceptions about their exercise of powers and duties of their office from any court Article 14 provides equal protection of laws to both citizens and non-citizens & to natural and legal persons.

### **Features Of Article 14**

#### **1) Equality Before Law**

- Article 14 states that in the eyes of law all people should be treated equally and it does not matter whether they are poor or rich, male or female, Hindu or Muslim. Equality before the law means equality in the eyes of the law.

#### **2) Applicable To All People**

- Article 14 guarantees equality to all persons including citizens, corporations, and foreigners which means it is not limited to citizens. So this Article treats all people the same in the eyes of the law.

#### **3) Access To Justice**

- All the citizens have equal access to justice which means they can demand justice at any appropriate time which should be non-discriminatory.

#### **4) Equal Protection Of Laws**

- Every Citizen and non-citizen gets fair and equal protection from the law. which means there should be equal treatment when the circumstances are the same.

#### **5) Not Absolute**

- Article 14 is not absolute. There are certain exceptions for the betterment of citizens.

**Case Law:-**

## **E.P. Royappa V. State Of Tamil Nadu 1974<sup>2</sup>**

In This Case, the Supreme Court formulated a new doctrine for the reason that “ Equality is a Dynamic Concept, which means it cannot be confined within traditional limits. As with changing times needs of the society will change so the concept of welfare will change and equality before the law does not mean rule of law because equality before law includes the principles of Natural justice, so the court interprets the equality of law as a widened concept. Article 14 is against arbitrariness and state cannot act as arbitrary because equality and arbitrariness are sworn enemies & ensures fairness and equality of treatment. So if the state’s action is arbitrary than it will be considered as a violation of Article 14.

**Article 19:-** Article 19 is one of the most important because it not only assures the condition necessary for democracy but also for civilized life. This Article of the constitution provides freedom of speech which is the right to express one’s opinion freely without any fear. Article 19 guarantees all citizens six rights. These are the Right to freedom of speech and expression, the Right to assemble peaceably and without arms, the Right to form associations or unions, the Right to move freely throughout the territory of India, Right to reside and settle in any part of the territory of India, Right to practice any profession or to carry on any occupation, trade or business. These six Fundamental freedoms are the natural and basic freedoms in the status of citizens but these freedoms are subject to certain reasonable restrictions such as Security of the state, friendly relation with foreign states, public order, decency and morality, contempt of court, defamation, Incitement of offenses, etc. This Article brings important changes to Indian Society as it provides various rights to the people. So that there is a good relationship among the people of our country.<sup>3</sup>

---

<sup>2</sup> E . P . Royappa V. State Of Tamil Nadu, AIR 1974 SC 555

<sup>3</sup> Kharak Singh V. State Of Punjab AIR 1963 SC 1295

**Article 21 :-** Article 21 declares that no person shall be deprived of his life or personal liberty except according to the procedure established by law. This Right is available to both citizens and non-citizens. It is included in Part III of In the Indian Constitution and this Article can not be suspended even in case of emergency after the 44<sup>th</sup> Amendment Act . The Government of India Act , 1935 provided for the establishment of Articles 21 of the Indian Constitution. This Article is described as the “ Heart of Fundamental Rights.” It includes two rights, The Right to life and The Right to personal liberty. Right to life claims that everyone’s right to life shall be protected by law. It doesn’t mean animal existence or the mere act of breathing. & Right to personal liberty states personal liberty which means the freedom of the individual to do as he pleases. And the scope of the right to personal liberty is wide and can not be covered within a limit as per provided under Article 21(3).

### **Q Why Articles 14, 19, and 21 called Golden Triangle Of the Indian Constitution**

**Case:- Maneka Gandhi V. Union Of India &Anr 1978 <sup>4</sup>**

**Facts of the case:-** Petitioner Maneka Gandhi is the holder of the passport issued to her on June 1, 1976, under the passport Act, 1976. The petitioner received a letter on 4 July 1977 from the regional passport officer, which claims that she requires to surrender the passport under 10(3) (C) within seven days from the date of receipt letter so the petitioner asks for the statement of reasons for making such order as provided in Section 10(5) but the reason for surrendering her passport was not provided so The petitioner approached the supreme court by invoking its writ jurisdiction.

**Decision Of The Court:-** It was held that Personal Liberty should be constructed in a much more wider and liberal sense. Article 21 should be given a wider interpretation and should cover all the fundamental rights. The court also overruled the Gopalan and created an interconnection between Articles 14, 19, and 21 of the constitution of India and declared that these provisions are mutually dependent. However, section 10 (3) of the Passport Act is Constitutional and is necessary for National Security but Maneka Gandhi was not even heard and no valid reasons were given to her by the passport authority. So

---

<sup>4</sup> Maneka Gandhi V. Union Of India &Anr AIR 1978 SC 597

the order of passport authority was quashed and was directed to return to Maneka Gandhi's Passport.,

### **Conclusion**

Three Articles 14,19 and 21 play a very important role in the functioning of our judicial system. According to the Maneka Gandhi V. Union of India Case, these three articles were held valid. These Articles provide protection and right to the citizens and glorify the features of the constitution of India. That is why these Articles are considered the Golden Triangle of the Indian Constitution. Infringement of basic rights of the citizens is protected by these Articles. Article 14 provides equality before the law, Access to justice, Applicability to all people, etc. Article 19 provides freedom of speech and expression, freedom to move freely, etc. And Article 21 Right to Life, Right to privacy, Right to Shelter, etc. And differentiates our Constitution from other constitutions in the world.

