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## FROM GOLDEN TRIANGLE TO PLATINUM PENTAGON

Aviral Pathak<sup>1</sup>

### HISTORICAL BACKGROUND

After experiencing the horrors of having the government endowed with all powers, India chose the road of democracy after independence. To ensure that the people do not lose the freedom they acquired after independence, the country's political leaders decided to create a written constitution. Citizens had some basic rights, which were given special status by the constitution's architects and dubbed Fundamental Rights. These rights were crucial because they provided the framework for democracy to function according to the preferences of its residents, as well as allowing citizens to keep a check on the government's behaviour so that it would not become oppressive. It was realized that Articles 14, 19, and 21 of the Indian Constitution were discovered to be related and collectively they safeguarded the people against the government's arbitrariness. The idea found legal backing in *Union of India v. Maneka Gandhi* where hon'ble SC observed, "Art. 14, 19, and 21 create a Golden Triangle as they are interrelated. Law in Art. 21 should be fair, just, and reasonable; it should not be arbitrary or repressive; it should fulfil Art. 19; and it should not violate Equality before the law in Art. 14."

These articles were dubbed the "*Golden Triangle of the Indian Constitution*", with Golden symbolizing "*importance*" for the freedom of the Indian people and the Triangle symbolizing "*reading together and jointly interpreting*" these laws. Many issues involving basic rights have been litigated in the past, and it only required one momentous decision to recognize that these articles cannot be viewed in isolation. Since

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then, every issue involving Article 21 alone has been put to the test with the requirements of Articles 14 and 19.

### **ELEMENTS OF THE GOLDEN TRIANGLE**

Golden Triangle consists of three elements, namely: art. 14, 19, and 21 of the Indian Constitution.

- Article 14 states *“Equality before law The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.”*
- Article 19 talks about freedom. It grants *“freedom of speech and expression; freedom to assemble peaceably and without arms; to form associations or unions; to move freely throughout the territory of India; to reside and settle in any part of the territory of India; and to practice any profession, or to carry on any occupation, trade or business”*.
- The last and the broadest of all elements in Article 21, says- *“Protection of life and personal liberty- No person shall be deprived of his life or personal liberty except according to procedure established by law”*.

### **PLATINUM PENTAGON**

The golden triangle is an excellence but excellence is not the destination, it is a continuous journey that never ends. And this paper proposes the next station of this journey i.e., “Platinum Pentagon”. The Pentagon shall be an interdependent group of five Articles 13, 14, 19, 21, and 32. Articles 13 and 32 are the expansion.

The triangle provides the right to equality, right to freedom, and right to life and personal liberty but there might arise a condition where any

other legislation or amendment might contradict the golden triangle (for example, the 1975 emergency). So, in such conditions there emerges a necessity for the triangle to contain an element that grants it superiority over other laws. Including Article 13 of the Indian Constitution in the golden triangle can fulfil the said purpose.

Article 13 states 'Laws inconsistent with or in derogation of the fundamental rights'-

1. All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void
2. The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void
3. In this article, unless the context otherwise requires law includes any Ordinance, order, bye-law, rule, regulation, notification, custom, or usages having in the territory of India the force of law; laws in force include laws passed or made by Legislature or other competent authority in the territory of India before the commencement of this Constitution and not previously repealed, notwithstanding that any such law or any part thereof may not be then in operation either at all or in particular areas
4. Nothing in this article shall apply to any amendment of this Constitution made under Article 368 Right of Equality

Now, people have the right to equality, freedom, and life with personal liberty and an element that declared them superior. But, the quadrilateral (the triangle + article 13) is still mute in the case of its

violation. Even after reading the triangle in its entirety people don't get any clarity as to what route to follow in case of a breach. So, the requirement rises to include one more element that will redress the incidents of violation. The addition of article 32 solves the problem. It offers rights to a person to seek justice in a court when they believe that their rights have been violated or 'unduly deprived'.

Article 32 states 'Remedies for enforcement of rights conferred by this Part'-

1. The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed
2. The Supreme Court shall have the power to issue directions or orders or writs, including writs like habeas corpus, mandamus, prohibition, quo warranto, and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part
3. Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2)
4. The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.

Thus, to make the triangle more compatible with the contemporary cosmos, it is beneficial and feasible to expand it to the platinum pentagon.

## **CONCLUSION**

In conclusion, it can be noted that these three articles play a very essential role in the operation of our legal system and are the greatest protection against the arbitrary acts of the government, against all the abuses and exploitations of human rights and freedom. These provisions are so crucial to our law that their interconnectivity is correctly called the "Golden Triangle of The Constitution". The inclusion of the trinity is preparing such a road for the people of India so the trinity is seen in the greatest respect and framework of liberty, equality, and brotherhood. Over time, the spectrum of components of the golden triangle and the triangle as a whole has been developed to align with the contemporary cosmos. Further evolution is always a possibility to boost efficiency and compatibility. To fulfil the same goal, Platinum Pentagon may be an alternative that would incorporate Articles 13, 14, 19, 21, and 32 of the Indian Constitution.