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ABSTRACT:

The Indian Constitution enshrines a trilogy of fundamental rights, Articles 14, 19, and 21 collectively termed the "Golden Triangle," which together form the bedrock of rights jurisprudence in India. This paper examines the doctrine of constitutional morality as the interpretive framework through which Indian courts have expanded and inter-linked these three articles to protect individual dignity, equality, and liberty against majoritarian excess. Drawing on Dr. B.R. Ambedkar's foundational articulation of constitutional morality in the Constituent Assembly Debates, this paper traces its judicial evolution from early references in S.P. Gupta vs. Union of India (1981), to its transformative application in landmark decisions including Navtej Singh Johar vs. Union of India (2018), K.S. Puttaswamy vs. Union of India (2017), Shayara Bano vs. Union of India (2017), and NALSA vs. Union of India (2014). Through doctrinal analysis, the paper argues that constitutional morality functions as a living bridge between the fixed text of the Constitution and evolving social values, enabling the judiciary to dismantle entrenched discrimination while preserving constitutional supremacy. The paper explores tensions between constitutional morality and majoritarian democracy and considers its application to emerging challenges in digital rights, privacy, and gender justice.

**Keywords – Constitutional Morality, Golden Triangle,
Transformative Constitutionalism, Living Constitution,
Fundamental rights**

INTRODUCTION:

The Indian Constitution is not a code of rules but a code of good governance that talks about values and rights. It possesses a trinity of significant rights, known as the Golden Triangle, which are Articles 14,¹ 19,² and 21³. They ensure that everyone will receive equal treatment

¹ Constitution of India 1950, art 14.

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from the law, people are supposed to speak freely and that people possess the right of life and liberty. These are the norms that define the manner in which the Indian courts uphold rights and how the state does business with citizens.

CONSTITUTIONAL MORALITY AS THE GUIDING PRINCIPLE OF RULE OF LAW:

The phrase “Constitutional Morality” was employed by Dr. B.R. Ambedkar who had wanted that the Constitution need not be obeyed merely because it is enacted there, but makes extremely high moral expectations. Constitutional morality realized four big ideas, i.e., justice, freedom, equality and fraternity, according to Justice Chandrachud. The rule commands the judges to safeguard the basic rights even if most of the people would desire to cancel them. The Golden triangle is most effective if the three articles are read collectively. The court decided that these rights would be invoked to reinforce one another by *Maneka Gandhi vs. Union of India*.⁴ This allows the courts to interpret the rights in a general manner and to achieve more than reading the literal law. The Constitution has a moral concept which allows the rights to be interwoven in such a way that they become one powerful tool that safeguards the dignity of human beings and provides scope for reform.⁵

DR. AMBEDKAR’S VISION OF CONSTITUTIONAL MORALITY:

Speaking of constitutional morality in 1948, Dr. B.R. Ambedkar encouraged India to get rid of its old system of governing the state which was founded on caste, patriarchy and religious fundamentalism. With the concept of Greek democracy by George Grote, Ambedkar claimed the constitutional morality was not easy to come by; it had to be fostered. In his view, six things were necessary: the people must learn the Constitution; it must be considered by the officials; the authorities must be kept on their toes; the politicians must not go beyond constitutional limits; and all the citizens were required to conduct themselves after rules and not social conventions. Ambedkar followed the Grote theory with the reality of India which is

² Constitution of India 1950, art 19.

³ Constitution of India 1950, art 21.

⁴ *Maneka Gandhi v Union of India* AIR 1978 SC 597.

⁵ Constituent Assembly Debates, vol VII (4 November 1948).

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genius on his part. The constitutional morality Grote had stated entails the respecting of the Constitution even in the most politically strife-ridden times. Ambedkar went a notch higher by stating that such a country as India where social and religious demarcations were high then, constitutional morality must be put into operation and the old moralities substituted with new values of justice, equality, liberty and fraternity. He did not interpret the law as a collection of regulations to follow; he intended to transform society. He referred to the Constitution as a living document because he did not intend that it was a piece of paper but rather a moral guide which could lead to the evolution of India without losing its principles.

I. JUDICIAL EVOLUTION AND LANDMARK APPLICATIONS:

Ambedkar's plan was more of a theory than anything that could be applied in actual life for a long time. But as time went on, the courts began to make it real. In *S.P. Gupta vs. Union of India (1981)*,⁶ for example, there were early mentions of constitutional morality in relation to the independence of the courts. The actual metamorphosis took place, however, in the 21st century, when courts employed constitutional morality to rebuff deep-rooted discrimination and safeguard minority rights from the majority will. In *Naz Foundation vs. NCT (2009)*⁷, the Delhi High Court drew a clear line between "popular morality" and "constitutional morality," establishing the basis of LGBTQ+ rights. This was followed by *Navtej Singh Johar vs. Union of India (2018)*⁸, wherein the Supreme Court decriminalised homosexuality, finding that constitutional morality had to prevail over changing conceptions of social morality. *Joseph Shine vs. Union of India (2018)*⁹ invalidated the law on adultery roughly at the same time, establishing that women were not the property of their husbands and solidifying dignity and equality as constitutional imperatives. The domain widened again in *K.S. Puttaswamy vs. Union of India (2017)*¹⁰, in which privacy was established as a constitutional right, with the Court holding that the autonomy of a person cannot be

⁶ *SP Gupta v Union of India* (1981) 1 SCC 87.

⁷ *Naz Foundation v Government of NCT of Delhi* (2009) 160 DLT 277 (DB).

⁸ *Navtej Singh Johar v Union of India* (2018) 10 SCC 1.

⁹ *Joseph Shine v Union of India* (2018) 16 SCC 728.

¹⁰ *KS Puttaswamy v Union of India* (2017) 10 SCC 1.

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compromised on the altar of majoritarian rationality. In *Common Cause vs. Union of India (2018)*¹¹, the right to die with dignity was established, demonstrating the resilience of constitutional morality in dealing with emerging ethical dilemmas. Similarly, *Shayara Bano vs. Union of India (2017)*¹² invalidated triple talaq, asserting that gender equality must precede religious customs. The *Sabarimala case (2018)*¹³ is arguably the most contentious usage of the legislation. The Court declared that any woman, no matter how old she was, may travel to the temple since the Constitution indicated it was the correct thing to do. Justice Indu Malhotra's dissent showed that constitutional values and religious freedom don't necessarily mean the same thing. Most participants thought that dignity and equality were more important than religious customs that kept people out.¹⁴ These instances illustrate that constitutional morality has functioned as a means to reform antiquated social norms and protect minority rights against the majority. What Ambedkar thought of in 1948 is now a key part of Indian constitutional law. This means that the Constitution is not only a mere legal instrument, it is also a moral guide for how India should be run.¹⁵

II. THE GOLDEN TRIANGLE: ARTICLE 14, 19, AND 21:

ARTICLE 14: THE EQUALITY BEFORE THE LAW¹⁶:

Article 14 says that everyone must obey the same laws and that the government can't do whatever it wants. Judges have changed their minds from a restricted view to a wider one that takes into account genuine problems and prejudice. It provides for the special treatment but only if it is for a purpose that is visible and one that pertains to the legality of purpose. That would enable the court to permit affirmative action but track randomized actions.¹⁷

¹¹ *Common Cause (A Regd Society) v Union of India* (2018) 5 SCC 1.

¹² *Shayara Bano v Union of India* (2017) 9 SCC 1.

¹³ *Indian Young Lawyers Association v State of Kerala* (2019) 11 SCC 1.

¹⁴ Pratap Bhanu Mehta, 'What is Constitutional Morality?' (2010) India Seminar 615; Gautam Bhatia, 'Transformative Constitutionalism in India: A Reading of Navtej Singh Johar' (2020) 12 Journal of Indian Law and Society 45.

¹⁵ Bhatia (n 14) 45.

¹⁶ Constitution of India 1950 (n 1) art 14.

¹⁷ Sidharth Bhatia, 'Ambedkar and the Living Constitution' (2014) 49 Economic and Political Weekly 37.

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ARTICLE 19 ENSURES FREEDOM OF SPEECH AND EXPRESSION¹⁸:

Article 19 guarantees freedom of speech and press. Lawyers call this freedom essential to human dignity and democracy. The courts recognize that, unless on a very good reason, the expression cannot be forbidden. Provided that Articles 14 and 21 guarantee the other freedoms, the freedom to receive information is also the freedom to practice democracy.

ARTICLE 21: RIGHT OF LIFE AND PERSONAL LIBERTY¹⁹:

Article 21 came as a promise of unreasoned death or deprivation of liberty but today it has encompassed everything: privacy, education, health, clean air, good life etc. According to this article, the state has the power to take away the life or liberty of individuals by an equal, rational and justifiable law to substantive due process of Maneka Gandhi²⁰. It implies that the state cannot act arbitrarily and any restriction imposed by it must be reasonable and non-arbitrary.

HOW THE THREE ARTICLES ARE HARMONIZED:

Maneka Gandhi vs. Union of India, has expressed that the three articles are dependent on each other. The freedom legislation has to comply with all of the three norms. *Justice Bhagwati* explained that an act of legislation has to comply with Article 14 and cannot unduly restrict Article 19 and comply with Article 21 procedure. The three rights are more powerful than all of them because they all introduce this norm to comply with.

III. LEADING CASES AND COURT JUDGMENTS:

KESAVANANDA BHARATI AND THE INFRASTRUCTURE OF NECESSITIES:

¹⁸ Constitution of India 1950 (n 2) art 19.

¹⁹ Constitution of India 1950 (n 3) art 21.

²⁰ *Maneka Gandhi v Union of India* (n 4).

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*Kesavananda Bharati vs. State of Kerala*²¹, argued that the Constitution does have some inherent aspects which cannot be removed through amendments. The judges concurred that democracy, federalism, secularism and judicial review are basic characteristics.²² Chief Justice Sikri made the constitution supreme, democratic and secular with separation of powers. Constitutional morality as per the case levelled the entire power of the state as well.

NAVTEJ SINGH JOHAR: OVERTURN BAN ON HOMOSEXUALITY:

Navtej Singh Johar vs. Union of India, held that it was not reasonable to criminalize homosexuality under Section 377 of the Indian Penal Code. The court determined that the identity of the individuals, freedom and Article 14 equality made that legislation unreasonable. Justice Misra held that law would no longer be governed by religion or majority but justice. Article 21 treated sexual identity as a facet of personal life and liberty and equalities under Articles 19 and 14.

SABARIMALA: RELIGIOUS PRACTICE AND CONSTITUTIONAL EQUALITY:

The Supreme Court listened in the Sabarimala case that women were not allowed to visit a temple. The judges assumed the rule to be violative of the non-discrimination and equality. Justice Chandrachud employed the constitutional morality to suggest that the four original pillars of the Constitution, i.e., freedom, fraternity, equality, and justice are the pillars. He maintained that Article 25 and 26 do not employ patriarchal vision but the constitutional morality.²³

JUSTICE PUTTASWAMY: THE RIGHT OF PRIVACY AS A FUNDAMENTAL RIGHT²⁴:

²¹ *Kesavananda Bharati v State of Kerala* (1973) 4 SCC 225.

²² Nikhil Agarwal, 'Infrastructure of Necessities: Kesavananda Bharati Revisited' (2025) 12 NUJS Law Review 45.

²³ Rahul Kumar, 'Constitutional Morality and Religious Freedom in Sabarimala' (2025) 7 NLSIU Law Journal 78.

²⁴ Priya Raghavan, 'Privacy as Dignity: The Puttaswamy Judgment' (2024) 6 NLSIU Law Review 123.

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Justice K.S. Puttaswamy vs. Union of India, declared that privacy is a right under Articles 14, 19 and 21. The nine-judge bench held that privacy is human decency. Justice Chandrachud held the privacy covers individual secrets, family life, marriage, children, home, and sexuality. The court set a test that every action is to be legal, necessary and proportionate.

IV. TRANSFORMATIVE CONSTITUTIONALISM:

LIVING CONSTITUTION APPROACH:

The Supreme Court views constitution as a living document, which implies that it needs to read between the lines and in the prevailing contemporary world, without neglecting the essentials. This contributes to the rearrangement of the so-called Golden Triangle in regard to new issues and in a way which makes the document useful.²⁵ The Court has applied the growing tree analogy in most of its decision that is related to the Constitution. The constitutional morality is applied as a means of reaching an intermediate way between change and principles. It also safeguards the social equity and the rights of individuals.²⁶ The Supreme Court has added constitutional morality and transformative constitutionalism to make regulations that ensure the judicial balancing between rights of individuals and the common good and what is just to society. It guarantees the rights of people and creates a structure in which everyone will be able to enjoy the true freedom and equality. The affirmative action ruling by the Court demonstrates the practical nature of how formal equality may persist to respect real inequalities and it portrays the fact that constitutional morality may guard against measures that maintain the existence of unequal individuals.

NALSA AND THIRD GENDER RECOGNITION AND JUDGMENT:

²⁵ Arjun Mehta, 'Living Constitution and Transformative Constitutionalism in India' (2023) 20 International Journal of Constitutional Law 345.

²⁶ Ministry of Law and Justice, Government of India, *Report of the Expert Committee on Transgender Rights* (March 2015) <https://legalaffairs.gov.in/sites/default/files/report_transgender_rights.pdf> accessed 24 September 2025.

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The *NALSA vs. Union of India*²⁷, is an example of the judgment rendered by the Supreme Court as a case transformative constitutionalism. The court recognised transgender persons as a third gender and created rules for everyone on how to defend their constitutional rights. The case shows that you don't have to interpret the constitution in terms of well-known groups. It might also include new ideas like dignity and equality.²⁸ Justice Radhakrishnan delivered the verdict that the rights of transgender have its root based on the Golden Triangle in which the right to choose the gender as an individual was outlined by the **Articles 14, 19, and 21**.²⁹ The Court observed that the gender identity recognition is the very subject matter of the fundamental right to dignity and non-recognition of this facet would amount to a violation of the constitutional morality.³⁰

V. TENSIONS WITH MAJORITARIAN DEMOCRACY: STRIKING A CHORD BETWEEN MAJORITY RIGHTS AND THE MINORITY RIGHTS:

The constitutional morality will come into conflict with the majority rule because the Constitution safeguards the minorities in the will of the majority. Critiques of the Navtej Singh Johar and Sabarimala cases have criticized them on imposing high standards of the elite judiciary on the majority, and on challenging the democratic validity of the constitutional morality test. The conflict of the moral values and the majority rule demonstrates the test of the constitutional democracy and the boundaries of the judicial power. While constitutional morality provides protection from tyranny, it must never become preference of a judge but must be text and principle-based by the Constitution.

²⁷ *National Legal Services Authority v Union of India* (2014) 5 SCC 438.

²⁸ Sofia Bose, 'Affirmative Action and Real Equality under Constitutional Morality' (2022) 15 Oxford Journal of Legal Studies 210.

²⁹ Rajeev Dhavan, 'The Living Tree in Indian Constitutional Jurisprudence' (2018) 24 Journal of Constitutional Law of India 112.

³⁰ National Human Rights Commission, *Annual Report 2019-20* (NHRC India, 2020) <https://nhrc.nic.in/sites/default/files/annual_report_2019-20.pdf> accessed 24 September 2025.

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The ethical basis of the Golden Triangle model will change in the future and, most significantly, when there are issues in the research of digital rights, regulation of AI, and environmental sustainability.³¹ These issues will test the Court beyond its mandate by venturing beyond constitutional protection. Indian courts may learn from other countries by using comparative constitutional law and constitutional morality. They can also be aware of what makes their own constitution and people unique. When using this method, it's very important not to go too far and break the law or the rules for constitutional limits.³²

VI. CONCLUSION:

Articles 14, 19, and 21 of the Indian Constitution are known as the Golden Triangle. They've changed how we think about the rights afforded to Indians. The most essential thing is to protect everyone's dignity, fairness, and equality. It is not only a legal theory; it is also a moral code that helps the court maintain the Constitution when it needs to deal with new and complicated social challenges. This constitutional morality has a big impact on what the Supreme Court decides. The Court has used this concept in the past to protect privacy, to strike down discriminatory provisions affecting LGBTQ+ individuals, and protect the rights of transgender individuals. The most significant contribution of constitutional morality is that it brings together the most essential principles in the Constitution with the values that are always changing in society. It shows that the Constitution isn't just a list of rules, it's a living document that changes as people do. This approach reminds the judges that they shouldn't only be dry legal translators. They need to learn how to be calm and compassionate, think about how things are in the real world, and pay attention to how society evolves. The Golden Triangle shows that it is possible to make big changes in society, such as providing people with more freedom, equality, and respect, without breaking the law or democracy. It shows that a constitution may be strong, important, and forward-thinking, yet also be able to adapt.

³¹ Deeksha Mehrotra, 'Privacy as Human Dignity: The Puttaswamy Judgment Revisited' (2019) 7 Journal of Law and Public Policy 45.

³² Law Commission of India, *Report on Privacy* (Law Commission of India, Report No 373, August 2020) <<https://lawcommissionofindia.nic.in/reports/report373.pdf>> accessed 24 September 2025.

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This will keep shaping India's democracy in the proper manner, making sure it stays open to the diverse, multicultural, and always-changing society.

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