In all of the rights that are given to us by the laws of our land, the most basic are the fundamental rights. It is these six rights (right to equality, freedom, against exploitation, to freely practice one’s religion, cultural and educational rights and the right to constitutional remedies for enforcement of fundamental rights) that form the bedrock of India’s constitution.

One of the constitution’s basic purposes is to not only guarantee these rights to every Indian citizen, but also to ensure sufficient and necessary protections against efforts by any legislature or government to dilute these rights. The judicial system has sufficient powers to review and nullify any law that goes against these fundamental rights. Apart from a legal review, the courts also have the power to enforce fundamental rights by issuing writs on law enforcement agencies.

Fundamental rights apply to every citizen of India irrespective of caste, creed, sex or race. They are essential for every citizen to develop his/her abilities and personality without fear of persecution and are the most basic (fundamental) of rights that are available to every human because of their being human.

These rights assume greater importance in a country like India whose diversity causes it to be pulled in different directions. Without fundamental rights, such as the right to freedom of speech, it is easy to see that the stresses and strains that India is subjected to on a daily basis would quickly become unmanageable.

Fundamental rights, for their much vaunted status as inviolable and absolute rights available to each and every citizen are in fact neither inviolable nor absolute. They can be suspended when a national emergency is declared (such as between 1975 and 1977). Moreover, framers of the constitution realized that absolute rights granted to every citizen would quickly begin to clash and engender enmity or give rise to dormant and divisive passions.

Led by Dr. B R Ambedkar, the framers of the constitution injected reasonable restrictions on the exercise of these rights, creating a very delicate balance between the free and unhindered exercise of one’s fundamental rights on the one hand and preventing abuse by over-zealous citizens and unscrupulous elements intent on stirring up trouble on the other. Despite having defined what restrictions are termed “reasonable”, its limits are constantly tested by a number of situations that arise in the course of daily life. If the spirited debates on TV are anything to go by, defining these restrictions will for long remain a work in progress.

The purpose of this section, as of this website, is not to add to the debate on what constitutes “reasonable restrictions”. Rather, it is to tell our audience what these fundamental rights are all about and what “reasonable restrictions”, as defined by the constitution, mean.

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