**Session3**

**Fundamental Rights, Fundamental Duties, constitutional amendments, secularism**

Fundamental Rights

1. Right to Equality
2. Right to Freedom
3. Right to Freedom of Religion
4. Cultural and Educational Rights
5. Right to Constitutional Remedies

It shall be the duty of every citizen of India —

1. To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
2. To cherish and follow the noble ideals which inspired our national struggle for freedom;
3. To uphold and protect the sovereignty, unity and integrity of India;
4. to defend the country and render national service when called upon to do so;
5. to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
6. To value and preserve the rich heritage of our composite culture;
7. To protect and improve the natural environment including forests, lakes, rivers, wildlife and to have compassion for living creatures;
8. To develop the scientific temper, humanism and the spirit of inquiry and reform;
9. To safeguard public property and to abjure violence;
10. to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement;
11. Who is a parent or guardian, to provide opportunities for education to his child, or as the case may be, ward between the age of six to fourteen years.

**Task1: Prepare a survey report on awareness among your college mates about fundamental rights and duties. Write the analysis in the space provided. (10 Marks)**

**Ans:** In our classroom of J1, the students are aware of six Fundamental Rights and Fundaments Duties, but they are not completely aware of the Fundamental Duties. Few people thought that the Rights and the Duties are the same thing, but actually they are both different things completely. Fundamental Rights are the rights that government gives us whereas the other means the duties that we have to fulfil as students. So, in all 100% knew about Fundamental Rights; while only 60% people knew about Fundamental duties that the government expects us to obey.

**Question 1: What do you mean by ‘Secularism’ and how successful Indian polity have been maintaining communal harmony within the state. (5 Marks)**

**Ans:** Secularism in India means equal treatment of all religions by the state. With the 42nd Amendment of the Constitution of India enacted in 1976, the Preamble to the Constitution asserted that India is a secular nation.  The states support or participate in a neutral manner in the affairs of all religious groups.

Declared as a secular country, India has several provisions for the protection of the minority communities. The state does not discriminate on the basis of any particular religion. There are constitutional provisions for equality of opportunities for all. Despite precautionary, preventive, and positive measures been envisaged in the constitution, communal disturbances keep recurring. The government had often expressed its commitment towards maintaining communal harmony within the country and has been taking steps – legal, statutory, administrative, economic and so on.

**Question 1: What are the powers and functions of the Supreme Court of India. (5**

**Marks)**

**Ans: The powers of The Supreme Court of India are:**

* **Power to punish for contempt** (civil or criminal) of court with simple imprisonment for 6 months or fine up to 2000. Civil contempt means wilful disobedience to any judgment. Criminal contempt means doing any act which lowers the authority of the court or causing interference in judicial proceedings
* **Judicial review** - to examine the constitutionality of legislative enactments and executive orders. The grounds of review is limited by- Parliamentary legislation or rules made by the Supreme Court.
* **Deciding authority** regarding the election of President and Vice President
* **Enquiring authority** in conduct and behaviour of UPSC members
* **Withdraw cases pending** before high courts and dispose of them itself
* **Appointment of ad hoc judges:** if at any time there is lack of quorum of Judges of Supreme Court, the CJI may with the previous consent of the President and Chief Justice of High Court concerned request in writing the attendance of Judge of High Court duly qualified to be appointed as Judge of SC.
* **Appointment of retired judges of supreme court or high court**: The CJI at any time with the previous consent of the President and the person to be so appointed can appoint any person who had previously held the office of a Judge of SC.
* **Appointment of acting Chief Justice and discharge the duties of the office**
* **Revisory Jurisdiction:** The Supreme Court under Art. 137 is empowered to review any judgment or order made by it with a view to removing any mistake or error that might have crept in the judgement or order.
* Supreme Court as a Court of Record

The Supreme Court is a court of record as its decisions are of evidentiary value and cannot be questioned in any court

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