

- **Return to its original mandate:** The proposed NCA will deal with civil, criminal, labour and revenue matters in the region, thus freeing up the apex court's resources to take up larger issues of public law and constitutional issues.
- **Reduce the burden of appeal cases:** The current Attorney General of India has argued that Appellate Jurisdiction and Writ Jurisdiction should be detached from the Supreme Court. And NCA should be set up, by appropriate constitutional amendments, to finally dispose of the appeals from the High Courts.
- **Streamline the categories of cases:** NCA will absorb the 140 categories of cases including matrimonial, rent control, labour, service, land acquisition that are today pending in the Supreme Court of India.
- **Improve accessibility:** NCA will also address the issues related to regional disparity in the case dockets. The States geographically adjacent to the seat of the Supreme Court, like Punjab, Haryana and Uttarakhand have a share of **6.2% each in the total docket**, while the far away but vast states like Tamil Nadu and Karnataka have only **1.1% and 2.4% of the cases respectively**. It demonstrates the inaccessibility and unaffordability of people from South and North East India in seeking justice at the Supreme Court. NCA will address this issue by bridging the geographical gap between litigants and appeal courts.

However, the experts have shown following concerns regarding the proposed NCA:

- It is argued that setting up of regional benches will dilute the **constitutional superiority** of the Supreme Court.
- It also argued that NCA will also add an **additional layer in the judicial hierarchy**.
- The establishment of NCA would **increase the burden on the exchequer** and similarly the expenses and hardships of the litigants will also increase.

Nonetheless, NCA is an idea that is worth due consideration and deliberation by both the Supreme Court and the government of the day.

13. *The Constitution of India reflects an amalgamation of spirit of Indian freedom struggle and various administrative provisions of different acts of British rule in India. Explain.*
(250 words) 15

Approach:

- Briefly discuss the background in which the Constitution of India was framed.
- Highlight the spirit of freedom struggle, which is reflected in the Constitution of India.
- Discuss various laws and acts before the formulation of the Constitution in India.
- Conclude on the basis of above points.

Answer:

The Constitution of India is the outcome of the freedom struggle and a series of colonial laws enacted to govern India; most notably the **Government of India Act, 1935**. It was shaped, in great measure, by the ideals and forces that propelled the **freedom movement**. For instance,

- The **economic critique of the British imperialist exploitation** by nationalist leaders and the later wave of socialism especially in the aftermath of the Russian Revolution, showed the need of the socialist state in the country.
- **Tribal movements, social reform movements, movements for women's upliftment**, etc. that were taken up as part of the freedom struggle imbued the ideals of justice and equality into the Constitution.
- **Resolutions** on the freedom of speech, press, freedom of assembly, freedom of association, and equality before law were passed in the Karachi session of the Indian National Congress, 1931 itself.
- **Freedom of religion**, free profession and practice of religion was encouraged after seeing the wave of communalism and later chaos during partition, in order to ensure peace and harmony among different religions.