

1. ARTICLE 142, WHICH CONFERS THE SUPREME COURT OF INDIA WITH NEARLY ABSOLUTE POWER TO ISSUE DECREES AND ORDERS, NEEDS RESTRAINT. DISCUSS

Article 142 provides that “the Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it.” It is considered a potent tool in the hands of the Supreme Court to bring out changes in significant policy issues to affect public at large.

In the early years of the evolution this Article, the Supreme Court made laudatory effort to bring complete justice to various deprived sections of society and to protect the environment. The apex Court’s verdict for cleansing the Taj Mahal of polluting industries has been able to restore the original beauty of the heritage. Its role in freeing the undertrials rotting in jails for greater periods than the maximum punishment is laudable. The Supreme Court on a number of occasions has brought about miraculous changes to the lives of ordinary people through this Article. The verdict of Supreme Court with regards to thousands of victims of Bhopal Gas tragedy has been unprecedented where the apex court placed itself above the laws made by the Parliament of the legislatures of the States.

However, in recent years the SC has been entering the areas which had long been forbidden to the judiciary. The cancellation of coal blocks grant in 2014 and the ban on the sale of alcohol along national and state highways showed how far judiciary could be arbitrary and domineering by invoking Article 142. As a result of the latter verdict thousands of hotels, restaurants, bars and liquor stores were forced to close down resulting in the forced unemployment of lakhs.

Although the invocation of Article 142 is doing tremendous good to large sections of the population and indeed a nation as a whole, judicial trespassing into the domain of Parliament through this Article needs proper check and balance in order to protect the dignity of the people’s parliament.