Article 142

Why in news?

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Recently SC invoked Article 142 of the Constitution of India, **prohibiting the sale of liquor.**

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What is Article 142?

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- Article 142 empowers the **SC to pass any decree or order necessary for doing "complete justice" in any matter pending before it.**
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- But the recent order is not the outcome of a legal suit between parties.
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- The location of hotels, restaurants or vends, selling liquor is a pure policy decision, best left to governments to take.
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- Liquor is within the exclusive domain of state legislatures.
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What is the effect of misusing 142?

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- The cancellation of all telecom licenses to serve the cause of public interest without individual culpability jeopardised the survival of entities.
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- The consequences of cancellation of all allocations of coal mines have adversely impacted the balance-sheets of public sector banks.
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- One of the consequences of such omnibus cancellations is defaults on bank loans. The consequent NPAs impact the economy.

- The decision to ban the sale of diesel cars with an engine capacity of 2000 cc jeopardised possible foreign investment.

What should be done?

- Constitutional concept of the **separation of powers should not be overlooked.**

- It should not become an instrument to deal with every ill that confronts this country. Other proper channels should be used.

- Article 142 of the Constitution should be used judicially.

- Use of Article 142 has economic consequences that tend to destabilise the economy.

- For the court to be completely isolated from this populist environment is not easy. Judges might be swayed by what we read.

- So they have to be exceptionally careful in rendering decisions, which cause unintended consequences.

- Recourse to Article 142 of the Constitution is inappropriate, wherever a statutory remedy is available.

Source: The Indian Express