

can extend itself to put a quietus to a dispute in a manner which would befit the facts of the case.

### Why did the Constituent Assembly feel the need to incorporate Article 142?

- The Constituent Assembly emphasised the importance of including such an article in the Constitution.
- The writers of the Constitution believed that this provision was critical **for individuals who are forced to suffer because of the legal system's disadvantageous position** in granting required remedies.

### Pardoning powers of the President vs Governor:

The court dismissed the Centre's argument that **the President exclusively, and not the Governor, had the power to grant pardon in a case under Section 302 (punishment for murder) of the Indian Penal Code.**

- Because, this argument would declare **Article 161** a "dead letter," resulting in an exceptional situation in which Governors' pardons in murder cases dating back 70 years would be rendered invalid.

For more information on Pardoning powers, relevant constitutional provisions and differences, read [this](#).

#### Insta Curious:

Did you know that Article 142, which started out as draft article 118, was adopted by the Constituent Assembly on May 27, 1949?

#### InstaLinks:

##### Prelims Link:

1. Examples of invocation of Article 142 by the Supreme Court.
2. Similar powers to High Courts.
3. Original vs Appellate jurisdictions.
4. Judicial review of the Speaker's decisions.

##### Mains Link:

"The Supreme Court's use of its vast powers under Article 142 has done tremendous good to many deprived sections. However, it is time to institute checks and balances." Discuss.



### Q) Consider the following statements:

1. The scope of the pardoning power of the President under Article 72 is wider than the pardoning power of the Governor under Article 161.
2. The President can grant pardon in all cases where the sentence given is the sentence of death.

Which of the above statements is/are correct?

- A. 1 only.
- B. 2 only.
- C. Both.
- D. None.

Ans: B.



## HOLD LOCAL BODY POLLS EVERY FIVE YEARS: SC:

### Context:

The Supreme Court has declared that **polls in each state must be conducted before expiry of the five years' term** as per the constitutional mandate.

### What was the case?

The Court ordered initiation of **poll process of over 23,000 local bodies in Madhya Pradesh** which has been due since 2019. Madhya Pradesh Government had been citing **OBC reservation issue** for the delay.

- The state government had contended that OBCs constitute around 50% of the population of the state and not granting them reservation in local bodies would be injustice to them.

### Triple test conditions for providing reservations:

Referring to the Constitution Bench decision in '**K Krishna Murthy (Dr) and Ors v Union of India & Anr' (2010)**, the court said **triple test conditions** have to be fulfilled before providing reservations for the OBCs.

They are:

1. To set up a dedicated commission to collect empirical data on backwardness.
2. Specify the proportion of reservation required in local body and wise in light of recommendations of the Commission.
3. Such reservation not to exceed aggregate of 50% of the total seats reserved in favour of SCs/STs/OBCs taken together.

A three-judge bench in **Vikas Kishanrao Gawali Vs. The State of Maharashtra and Others** in March 2021,