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Q52

With reference to the Constitution of India, prohibition or limitations or provisions contained in ordinary laws cannot act as prohibitions or limitations on the constitutional powers under Article 142. It could mean which one of the following? (a) The decisions taken by the Election Commission of India while discharging its duties cannot be challenged in any court of law. (b) The Supreme Court of India is not constrained in the exercise of its powers by laws made by the Parliament. (c) In the event of grave financial crisis in the country, the President of India can declare Financial Emergency without the counsel from the Cabinet. (d) State Legislatures cannot make laws on certain matters without the concurrence of Union Legislature. Official key: B.

UPSC Civil Services Prelims 2019 · General Studies · 2 marks · Polity and Governance

Indian Constitution, polity, rights, governance - Prelims GS Paper I.

Explanation**(a)**

(a) says **Election Commission** decisions cannot be challenged in any court. **Article 329** bars only challenges to the electoral process in ordinary courts in the manner stated there; it is not a reading of **Article 142**, so this option is not the key.

(b) Official key

(b) reads **Article 142** as it is used: the Supreme Court may pass any decree or order necessary for complete justice, and ordinary parliamentary statutes cannot clip that constitutional power. In *Supreme Court Bar Association* and later cases the Court has said that limitations in ordinary law do not operate as limitations on **Article 142**. That is the official key.

(c)

(c) is about a Financial Emergency under **Article 360**. The President acts on Cabinet aid and advice; the sentence has nothing to do with **Article 142**, so it is not the key.

(d)

(d) is about the Union-State legislative lists and concurrence, not about the Supreme Court's complete-justice power. It is not the key.

Summary

Official key is (b). **Article 142** is a constitutional power of the Supreme Court to do complete justice. Ordinary laws cannot be read as prohibitions on that power. The **Election Commission**, Financial Emergency, and State-list concurrence options describe other doctrines. Honour the stored letter (b).

Related possible facts

These can be asked in a future Prelims paper.

Article 142(1)

Enforcement of decrees and orders of the Supreme Court; complete justice

Article 141

Law declared by the Supreme Court binds all courts

Article 144

Civil and judicial authorities shall act in aid of the Supreme Court

SCBA v. Union of India

Article 142 cannot be used to ignore substantive statutory limits in some settings, but ordinary-law bars do not rewrite the Article

Article 360

Financial Emergency; not an **Article 142** question

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