

Article 142

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Article 142 Latest News

Recently, the Vice-President criticized Article 142 as a “nuclear missile against democratic forces”, especially after its use in the Tamil Nadu Governor’s case.

What is Article 142?

- **Article 142** empowers the **Supreme Court** to pass any **order or decree** necessary for **complete justice** in any **pending case** before it. This power is **discretionary** and **unique** to the apex court.
- The **concept of complete justice** means ensuring justice beyond technicalities by **filling legislative gaps**, and interpreting or even overriding laws when necessary to protect **constitutional values, fundamental rights**, and **social welfare**.
- The **framers of the Constitution**, especially **Dr. B.R. Ambedkar**, intentionally entrusted this extraordinary power **only to the Supreme Court**. The jurisprudence under Article 142 has developed over **50+ years**, with the Court maintaining **self-imposed limits**.

- **Article 142** elevates the Supreme Court's role as the **guardian of the Constitution**, enabling it to **intervene** in cases involving **public interest**, **human rights**, or **democratic breakdown**, ensuring justice where legislative or executive action is lacking.
- The Article strengthens **democracy** by protecting the **rights of minorities**, ensuring **equal treatment** before the law, and acting as a **check on executive and legislative overreach**.
- Article 142 promotes **judicial innovation** by allowing the Court to create **guidelines** and direct **government authorities**, especially in cases involving **public interest and constitutional values**.
- The **lack of a clear definition** of "**complete justice**" can lead to **subjectivity**, **inconsistent rulings**, and **unaccountable discretion**. This raises concerns under the **basic structure doctrine**, particularly the **separation of powers**.

Source: IE

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