

## Article 142 of Indian Constitution

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### Article 142 of Indian Constitution

The Supreme Court (SC) has recently directed the sale of ancestral property of a man to pay arrears of maintenance of Rs. 1.25 Crores to his wife under its inherent powers under **Article 142**.



[Ref - iPleaders]

### **About Article 142:**

- It provides a unique power to the SC, to do “**complete justice**” between the parties, where, at times, the law or statute may not provide a remedy.
- In those situations, the Court can **extend itself to put an end to a dispute** in a manner that would fit the facts of the case.
- For any law made in the Parliament, the SC shall have all and every power to make any order for **securing the attendance** of any person, the discovery or production of any documents, or the investigation or punishment of any contempt of itself.

### **Scope of powers under Article 142:**

- The SC may issue any order to provide **complete justice** in the case at hand.
- Even **legislation cannot** limit the court’s power.
- Article 142 is only subject to **two conditions (Chandrakant Patil & ors. v. State Through CBI, 1998)**:
  - It can only be used if the court is otherwise exercising its jurisdiction,
  - The case or dispute pending before the Supreme Court must require the court’s order for complete justice to be served.
- The SC has imposed **checks on its own power** under **Article 142**.
  - **State of Karnataka vs Umadevi, 2006**: The “complete justice” under Article 142 means justice **according to law and not sympathy**, while holding that it will “not grant a relief which would amount to perpetuating an illegality encroaching into the legislative domain.”

### **Criticism of Article 142:**

- These are **arbitrary** and **ambiguous**.
- The wide discretion of courts allows the possibility of its **arbitrary exercise** or **misuse** due to the

absence of a **standard definition** for the term “**complete justice**”.

- Unlike the legislature and the executive, the judiciary **cannot be held accountable** for its actions.

#### Landmark judgments of Article 142:

- Ayodhya Case
- Union Carbide Case (Bhopal Gas Tragedy)
- Coal Block Allocation Case
- Sale Of Liquor/Alcohol Banned on State and National Highway