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News: Article 142 of the Constitution

- Recently, the Chandigarh mayoral election garnered attention as the Supreme Court of India invoked Article 142 of the Constitution to overturn the election results.

Article 142 of the Indian constitution

- **Empowering the Supreme Court:** Article 142 empowers the Supreme Court to pass any decree or order necessary for doing complete justice in any case or matter pending before it.
- These decrees or orders are enforceable across India's territory, making them significant tools for judicial intervention.
- **Transcending Legal Limitations:** Article 142 allows the Supreme Court to go beyond the confines of existing laws or statutes to ensure justice for all parties involved.
- It enables the Court to exercise functions beyond adjudication, including executive and legislative roles when required.
- Article 142 is supported by several other provisions, including Article 32 (which ensures the right to constitutional remedies), Article 141 (mandating that

all courts within India must abide by the Supreme Court's decisions), and Article 136 (which allows for the Special Leave Petition).

- This collective framework is known by the term “judicial activism”. This concept has often led to the Supreme Court overriding parliamentary legislation to deliver "complete justice".
- **Intervening in Public Interest Matters:** The provision empowers the Supreme Court to intervene in cases involving public interest, human rights, constitutional values, or fundamental rights.
- This reinforces the Court's role as a guardian of the constitution and ensures protection against violations or infringements.

Judgments Clarifying the Scope of Powers under Article 142

Union Carbide Corporation vs Union of India (1991)

- SC Ordered UCC to pay USD 470 million in compensation for the victims of the Bhopal gas tragedy, highlighting the wide scope of Article 142(1) and clarifying that its powers are of a different quality and not subject to express statutory prohibitions.

- Supreme Court Bar Association vs Union of India (1998):
- The apex court emphasized that the powers under Article 142 are supplementary and should not be used to override substantive laws.
- The court stated that these powers are curative in nature and should not be used to ignore the rights of litigants or bypass statutory provisions.

A. Jideranath vs Jubilee Hills Co-op House Building Society (2006)

- The SC emphasized that while exercising its power under Article 142, no injustice should be inflicted upon a person who is not a party to the case.

State of Karnataka vs Umadevi (2006)

- SC clarified that "complete justice" under Article 142 means justice according to law and not sympathy, and that the court will not grant relief that perpetuates illegality encroaching into the legislative domain.

Reason for Supreme Court invoking Article 142 in the mayoral election

- The Supreme Court invoked Article 142 to ensure justice and uphold the sanctity of the electoral process in the Chandigarh mayoral election.

- The election was marred by irregularities due to the illegal conduct of the presiding officer who had announced the winner by invalidating eight votes cast in favour of his opponent, leading to an incorrect declaration of the winner.