



SC's Use of Article 142 in Chandigarh Mayoral Election

For Prelims: [Supreme Court of India](#), [Article 142](#), [Judicial Activism](#), [Fundamental Rights](#), [Judicial Overreach](#).

For Mains: Significance of Article 142, Legitimacy of Judicial Activism in India

Source: IE

Why in News?

Recently, the Chandigarh mayoral election garnered attention as the [Supreme Court of India](#) invoked [Article 142 of the Constitution](#) to overturn the election results.

Why did the Supreme Court invoke Article 142?

- 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.

What is 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.

▪ **Criticism:**

- Risk of encroaching upon the [separation of powers](#), **inviting criticism of judicial activism.**
- Critics argue that Article 142 grants the judiciary broad powers without sufficient accountability, potentially leading to [judicial overreach](#). However, these powers are reserved for exceptional cases **where existing laws are inadequate.**
- Potential for disputes over the extent of the Court's authority and its **interference with legislative or executive domains.**

Judicial Activism	Judicial Overreach
Defined as the judiciary's active role in preserving the country's legal and constitutional system and upholding citizens' rights.	When the judiciary exceeds its legal authority or jurisdiction and interferes with legislative or executive functions.
Ensures laws comply with constitutional provision.	Undesirable in a democracy as it breaches the principle of separation of powers.
Promotes social change and protects vulnerable groups.	Can undermine democracy.
Legitimacy of Judicial Activism is often debated, depending on specific circumstances.	Generally considered illegitimate and harmful to democratic functioning.

UPSC Civil Services Exam, Previous Year Questions (PYQ)

Prelims

Q. With reference to the Constitution of India, prohibitions 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? (2019)

- (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.

Ans: (b)

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