
“COMPLETE JUSTICE” REVISITED: TRENDS, DEVELOPMENTS, AND TRANSFORMATIONS IN ARTICLE 142

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ABSTRACT

Article 142 of the Indian Constitution grants the Supreme Court the authority to ensure “complete justice,” positioning it as a critical component of Indian judicial power. This paper examines its evolution from a rarely utilized procedural tool to a significant force in shaping substantive legal outcomes. Initially intended as a supplementary provision, Article 142’s application has broadened to address legislative gaps and governance issues, particularly in areas such as matrimonial disputes and constitutional crises. Recent trends illustrate how the Court seeks to balance equitable relief against constitutional limits.

However, concerns about institutional overreach, inconsistent use, and conflicts with the separation of powers highlight the need for a thorough reassessment of Article 142’s application. Studies reveal inconsistent invocation patterns, prompting discussions about the clarity of its doctrine and the need for judicial self-restraint. Through an analysis of constitutional theory, case law, and critiques, the paper argues that while Article 142 is crucial for justice, its implementation should be principled, transparent, and aligned with the broader constitutional framework.

The study concludes that the transformative potential of Article 142 must be exercised with caution to maintain democratic integrity. It calls for a clearer jurisprudential framework that balances equity with constitutional adherence, ensuring that the notion of “complete justice” is both relevant and constitutionally anchored.

Keywords: Article 142; Complete Justice; Supreme Court of India; Emerging Trends; Judicial Powers; Constitutional Interpretation.

I. Introduction

Glanville Austin asserts¹ that the institution tasked with interpreting a constitution is the one in charge of the document. This institution would be the Indian judiciary, particularly the Supreme Court, its Apical body. As the Supreme Court of India celebrates its 75th year, it is recognized for its significant role in maintaining Constitutional order and regularity. Traditionally referred to as the “*least dangerous bench*,”² the Court has consistently upheld the fundamental rights of citizens, showcasing its commitment to judicial stability and the protection of individual liberties. Its use of a purposive methodology of interpretation with regard to the Constitution's provisions is the sole reason this has been possible³. Article 142 stands out in the constitutional framework as a key mechanism for the Supreme Court to exercise its interpretive authority. By framing its use as a commitment to “*complete justice*,” the Court demonstrates a purposive interpretive approach that manifests in its judicial practices⁴.

Article 142 (1) of the Constitution of India provides that,

“The Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it, and any decree so passed or orders so made shall be enforceable throughout the territory of India in such manner as may be prescribed by or under any law made by Parliament and, until provision in that behalf is so made, in such manner as the President may by order prescribe⁵.”

The mentioned Article of the Supreme Court of India is often referred to as its “*extraordinary power*” resting solely on one criterion, “*the need to do complete justice*” i.e. Equitable Relief.⁶ The expression “*cause*” or “*matter*” includes any proceeding pending in the Court and would cover almost every kind of proceeding in the Court, including civil or criminal; or appellate or original⁷. The powers in exercise are circumscribed only by two conditions. “*Firstly, that it can be exercised only when the Supreme Court otherwise exercises its jurisdictions, and*

¹ Granville Austin, *Working a Democratic Constitution: The Indian Experience* (OUP 2000)

² Alexander M Bickel, *The Least Dangerous Branch: The Supreme Court at the Bar of Politics* (Yale University Press 1986) 16–17

³ Francis Bennion, *Statutory Interpretation* (4th edn, LexisNexis 2002) 762, cited with approval in *Zee Telefilms Ltd v Union of India* (2005) 4 SCC 649 (SC) 160.

⁴ Charles Bose, *Judicial Review: Scope Limitation and Overreach* (2025) <https://ssrn.com/abstract=5290260> accessed 2 December 2025.

⁵ Constitution of India art 142(1).

⁶ *Moinca Kumar v State of U.P.* (2008) 8 SCC 781, 801

⁷ MP Jain, *Indian Constitutional Law with Constitutional Documents*, vol 2 (LexisNexis Butterworths Wadhwa 2010) 369

secondly, that the order which the Supreme Court passes must be necessary for doing complete justice in the cause or matter pending before it⁸.” However, “the power should not be exercised frequently, but sparingly⁹” and the jurisprudential evolution of Article 142 reveals an oscillating tension between equity and separation of powers.

Article 142(1) refers to “complete justice,” is “the word of width couched with elasticity to meet myriad situations created by human ingenuity...¹⁰”. It is a concept characterized by its subjective nature and adaptability to various human situations. While its interpretation can differ, certain intrinsic characteristics may be identified within this notion.

John Rawls’ analysis of justice provides a foundational understanding of the concept, positing that ‘justice’ is inherently tied to ‘fairness¹¹.’ He argues that any bias present undermines the fulfillment of ‘complete justice.’ Thus, fairness remains integral to achieving true justice; without fairness, an outcome cannot be deemed just¹². In alignment with these principles, the Supreme Court of India has imposed limitations on its extraordinary powers to ensure that the justice administered is indeed fair.

Firstly, the concept of “complete justice” necessitates the exclusion of any collateral injustice. The Supreme Court of India has emphasized that when exercising its powers, the Court cannot issue orders that would result in injustice to those not involved in the proceedings¹³.

Furthermore, “complete justice” requires adherence to the law. While the Supreme Court has the authority to customize relief, it must not grant any relief that would perpetuate an illegality. In its pursuit of individualized justice, the Court cannot ignore the constitutional framework and the rights of individuals who are not parties to the case¹⁴.

II. Evolution and Scope of Article 142

Though most parts of our constitution is from Government of India Act 1935¹⁵¹⁶, Article 142

⁸ *Chandrakant Patil v State* (1998) 3 SCC 38 (SC).

⁹ *ibid*

¹⁰ *Ashok Kumar Gupta v. State of Uttar Pradesh*, (1997) 5 SCC 201 (S.C.).

¹¹ John Rawls, *A Theory of Justice* (Harvard University Press 1971).

¹² John Rawls, ‘John Rawls’ (Stanford Encyclopedia of Philosophy, substantive revision 3 September 2025) <https://plato.stanford.edu/entries/rawls/> accessed 2 December 2025.

¹³ *A. Jidenranath v. Jubilee Hills Co-Op. House Building Society*, (2006) 10 SCC 96 (S.C.).

¹⁴ Durga Das Basu, *Commentary on the Constitution of India*, vol 5 (LexisNexis Butterworths Wadhwa 2009) 5993.

¹⁵ Government of India Act 1935

¹⁶ *The Framing of India’s Constitution: A Study*, vol 3 (2nd edn, Universal Law Publishing Company 2006).

is not a consequence to Government of India Act 1935. The Constituent Assembly¹⁷ approved Article 142, initially known as Draft Article 118¹⁸, without any debate. The minimal debate on Article 142 during the Constituent Assembly deliberations signified the acceptance of its elastic and wide nature to fill gaps where no other legal provisions could suffice. The only mention of Draft Article 118 surfaced during the Constituent Assembly debate on Draft Article 112, which dealt with providing a “*special leave to appeal*”¹⁹ to the Supreme Court.

Krishna Chandra Sharma during the Constituent Assembly debate emphasized that “*Draft Article 118 (now Article 142) should grant the Supreme Court residuary powers to do complete justice, which is similar to the Privy Council's principle of natural justice, asserting the Court should be "above law" in passing just orders*”²⁰. He believed the Court's power was thought to be free, giving it to address gaps in legislation and correct injustices without being restrained by existing laws or constitutional rules. This reflected the framers’ vision of an empowered judiciary capable of ensuring justice beyond procedural constraints.

The provision was deliberately worded broadly and split into two parts: clause (1) for passing any decree/order needed for complete justice, and clause (2) for procedural powers like securing attendance, discovery, and contempt jurisdiction over the whole territory of India.

The interpretation of “*complete justice*” under Article 142 has changed significantly over time. Initially, from 1963 to 1989, courts consistently held that the power under Article 142 could not be used to override or defeat statutory provisions. In *Prem Chand Garg vs Excise Commissioner, U. P.*²¹ the Supreme Court ruled that any order passed to do “*complete justice*” must be consistent not only with fundamental rights but also with substantive provisions of relevant statutory laws.

This view was reaffirmed in key cases such as *Naresh Shridhar Mirajkar v. State of Maharashtra*²² and *A.R. Antulay v. R.S. Nayak*²³, emphasizing that Article 142 should not be invoked to ignore mandatory statutory provisions to the detriment of one party. A three-Judge

¹⁷ *Constituent Assembly Debates*, 27 May 1949, vol 8 < <https://www.constitutionofindia.net/debates/27-may-1949/#109650> > accessed 26 November 2025.

¹⁸ *ibid*

¹⁹ The Constitution of India 1950, art 136

²⁰ *Constituent Assembly Debates*, 6 June 1949, vol 8, speech of Krishna Chandra Sharma, paras 99–112 <https://www.constitutionofindia.net/debates/06-jun-1949/#104921> accessed 2 December 2025.

²¹ *Prem Chand Garg v Excise Commissioner, UP* AIR 1963 SC 996.

²² *Naresh Shridhar Mirajkar v. State of Maharashtra* AIR 1967 SC 1.

²³ *A.R. Antulay v. R.S. Nayak* 1988 (2) SCC 602.

Bench of the Apex Court reiterated this approach in *Arjun Khiamal Makhijani v. Jamnadas C. Tuliani* thus:

“... Article 142 does not contemplate doing justice to one party by ignoring mandatory statutory provisions and thereby doing complete injustice to the other party by depriving such party of the benefit of the mandatory statutory provisions.”

Subsequently, in *Vinay Chandra Mishra*²⁴, a three-judge bench declared that *Prem Chand Garg*²⁵ was “not good law,” pronouncing Article 142 a “constitutional power” that cannot be limited by statutory provisions. However, this restrictive interpretation soon got overturned by the Supreme Court in *Delhi Judicial Service Association v. State of Gujarat*²⁶, wherein it was held that ordinary statutory restrictions could not limit the constitutional powers granted by Article 142. This wider interpretation was upheld by a Constitution Bench in *Union Carbide Corpn. v. Union of India*²⁷, wherein it said that statutory prohibitions or limitations do not ipso facto detract from the Supreme Court’s power to do “complete justice” under Article 142.

Subsequent judgments like *Supreme Court Bar Association v. Union of India*²⁸ tried to bring a balance between these diverging opinions. While approving the plenary power of the Court, it warned that Article 142 ought not to be invoked in direct contravention of duly enacted statutory provisions. This subtle stance was again iterated in successive cases like *M.C. Mehta v. Kamal Nath*²⁹ and *E.S.P. Rajaram v. Union of India*³⁰, wherein it emphasized that Article 142 cannot be utilized in the construction of a new legal structure with the disregard of explicit statutory law.

The fact that this article invests the Court with only procedural powers, akin to inherent powers in civil and criminal procedure codes, to cure procedural infirmities and not with substantive powers to override statutes, has been insisted upon by many legal scholars and courts³¹. That the provision is procedural is also supported by the marginal note to Article 142, relating to

²⁴ *In Re: Vinay Chandra Mishra* (1995) 2 SCC 584

²⁵ *Prem Chand Garg* (n 21)

²⁶ *Delhi Judicial Service Association v. State of Gujarat* AIR 1991 SC 2178

²⁷ *Union Carbide Corporation. v. Union of India* AIR 1991 SC 284

²⁸ *Supreme Court Bar Association v. Union of India* AIR 1998 SC 1895

²⁹ *M.C. Mehta v. Kamal Nath* AIR 1997 SC 1203

³⁰ *E.S.P. Rajaram v. Union of India* AIR 2002 SC 3108

³¹ ‘Article 142 of the Constitution of India’ (Drishti Judiciary, 31 October 2024) <https://www.drishtijudiciary.com/to-the-point/ttp-constitution-of-india/article-142-of-the-constitution-of-india> accessed 28 November 2025.

*"Enforcement of decrees and orders of Supreme Court and orders as to discovery."*³²

Put differently, the correct interpretation is cautious: whereas the power to do "*complete justice*" under Article 142 allows procedural flexibility to ensure fairness in adjudication, it does not allow the court to ignore or violate substantive statutory provisions³³. This balanced approach maintains the rule of law while giving the judiciary adequate scope to dispense justice.

III. *The Application of Article 142*

The Court's inherent powers were first referenced in 1958 in *Pandit M.S.M. Sharma v. Sri Krishna Sinha*,³⁴ which dealt with the balance between freedom of speech and a state legislative assembly's authority to control the publication of expunged debate segments. Although Article 142 was cited, the Court ultimately rejected the argument based on different grounds, leading to no substantive examination of Article 142 itself.

The Court's application of Article 142 in *KM Nanavati v State of Bombay (1960)*³⁵ involved a five-judge bench analyzing its relationship with the governor's powers under Article 161. The majority concluded that the governor cannot exercise powers to suspend a sentence while Article 142 is active and when the case was Sub Judice in court. Scholars have remarked on the Supreme Court's broad and unlimited interpretation of Article 142 in this instance³⁶.

A review of decisions invoking Article 142(1) indicates that the Supreme Court has utilized this power primarily for two reasons: to circumvent procedural technicalities required by statutes³⁷ and to provide finality to cases when issuing decrees or orders³⁸. Some experts suggest that Article 142(1) is applicable solely for procedural matters. However, Some believe the Supreme Court has elevated the provision to a new source of substantive power³⁹.

³² India Constitution, art 142 (marginal note)

³³ *Gayatri Balasamy v ISG Novasoft Technologies Ltd* 2025 INSC 605.

³⁴ *Pandit MSM Sharma v Sri Krishna Sinha* 1958 SCC OnLine SC 11

³⁵ *KM Nanavati v State of Bombay* AIR 1961 SC 112

³⁶ R Hari Krishnan and Anurag Bhaskar, 'Article 142 of the Indian Constitution: On the Thin Line between Judicial Activism and Restraint' in Lokendra Malik and others (eds), *Judicial Review: Process, Powers, and Problems* (Cambridge University Press 2020)

³⁷ R Prakash, 'Complete Justice Under Article 142' (2001) 7 SCC (Jour) 14

³⁸ *ibid*

³⁹ MP Jain, *Indian Constitutional Law* (5th edn, LexisNexis 2008) 262; GP Singh, *Principles of Statutory Interpretation* (11th edn, LexisNexis 2008) 26.

On examining case law, it is evident that the power under Article 142 has been utilized for both procedural and substantive reasons. Procedurally, there are cases where strict adherence to technicalities led to negative outcomes, justifying the bypassing of these technicalities by invoking Article 142⁴⁰. Substantively, the apex court has issued orders to address legal vacuums⁴¹, which has drawn criticism for seemingly overstepping its bounds and functioning as a ‘super legislature’ or ‘super executive,’⁴² thus challenging the separation of powers. Therefore, a thorough analysis of Article 142's application in both contexts is necessary to ensure ‘complete justice’ is served through this provision⁴³.

Moreover, Article 142(1) of the Constitution of India does not establish a new source of power for the Supreme Court or provide an independent basis for jurisdiction. Instead, its primary role is to enhance the effectiveness of Articles 32 and 136, enabling enforcement of orders and decrees across India. This provision ensures that directives issued under Article 32, 136, and other related Articles (129, 131, 132, 133, 137, 138)⁴⁴ are enforceable throughout the country. The location of Article 142 within the Constitution, positioned after Articles 32 and 136, further illustrates that it serves to reinforce the jurisdiction granted by these Articles, ensuring that the law articulated by the Supreme Court is followed in spirit and letter.

In the case of *Shilpa Sailesh v Varun Sreenivasan* (2023)⁴⁵, the Court acknowledged its ability to deviate from procedural and substantive laws, emphasizing that its application of Article 142 must align with considerations of “*fundamental general and specific public policy*”⁴⁶. The Court defined fundamental general conditions of public policy as including fundamental rights, secularism, federalism, and other essential features outlined in the Constitution⁴⁷.

⁴⁰ *Laxmi Morarji v Bherose Darab Madan* (2009) 10 SCC 425, 432–33; *Hidayatkhan Bismillakhan Pathan v Vajinath* (2009) 7 SCC 506, 513.

⁴¹ *Vineet Narain v Union of India* (1998) 1 SCC 226, 264; *B P Achala Anand v S Appi Reddy* (2005) 3 SCC 313, 329; *Prakash Singh v Union of India* (2006) 8 SCC 1, 13; See also Adithya Reddy, ‘Judicial Activism or Overreach’ (2009) 6 SCC (J) 29.

⁴² Somnath Chatterjee, ‘Democracy and Judiciary’ in *High Court of Madhya Pradesh, Golden Jubilee 1956–2006: A Remembrance by the Advocate General* (2007) 7–8.

⁴³ *Naveen v Neelu Kohli* (2006) 4 SCC 558, 578, 583.

⁴⁴ Constitution of India art 129, 131, 132, 133, 137, 138

⁴⁵ *Shilpa Sailesh V. Varun Sreenivasan* 2023 Insc 468

⁴⁶ Advay Vora, ‘SC’s Power To Directly Grant Divorce: Judgement in Plain English’ (Supreme Court Observer, 1 May 2023) <https://www.scobserver.in/reports/divorce-under-article-142-judgement-in-plain-english/> accessed 2 December 2025

⁴⁷ *ibid*

IV. Recent Development: Current Judicial Trends

Article 142 has seen considerable doctrinal refinement in the last decade, with the Supreme Court defining internal limits on its powers while broadening its application in constitutional and matrimonial matters⁴⁸. The developing trend reflects a twin movement: self-restraint in principle and aggressiveness in practice. The dominant trend concerns the utilization of Article 142 in matrimonial jurisprudence⁴⁹, particularly in granting divorce on the ground of irretrievable collapse of marriage⁵⁰. Following *Shilpa Sailesh*⁵¹, benches of two and three judges have increasingly dissolved marriages by using Article 142, even where statutory grounds under the Hindu Marriage Act were not satisfied. While the 2023 judgement intended to build a formal framework requiring examination of the time of separation, failed attempts at mediation, and irretrievable loss of emotional ties, subsequent cases indicate flaws⁵².

Decisions such as *Mala Kar v. State of Uttarakhand (2024)*⁵³ and *Arun Jain v. State of NCT of Delhi (2024)*⁵⁴ demonstrate the Court's willingness to exercise its equitable powers despite legislative inaction, raising concerns that Article 142 has become a judicial substitute for Parliament's refusal to recognise irretrievable breakdown as a statutory ground for divorce⁵⁵.

A recent trend highlights the involvement of constitutional functionaries and institutional accountability, where Article 142 is utilized to address procedural gaps⁵⁶. This includes instances of gubernatorial inaction, delays in legislative assent, and disruptions in executive processes, with the Court leveraging Article 142 alongside Article 144 to maintain governance continuity⁵⁷.

In the *Governor of Tamil Nadu case (2025)*⁵⁸, Article 142 was used to compel timely action where constitutional silence risked administrative paralysis. These decisions show the Court

⁴⁸ Shilpa Sailesh (n 46)

⁴⁹ *Poonam v. Surender Kumar* Civil Appeal No. 5195/2022

⁵⁰ *Rajib Kumar Roy v. Sushmita Saha* 2023 SCC OnLine SC 1221

⁵¹ Shilpa Sailesh (n 46)

⁵² *Delma Lubna Coelho v. Edmond Clint Fernandes* 2023 SCC OnLine SC 440

⁵³ *Mala Kar v. State of Uttarakhand* 2024 SCC OnLine SC 1049

⁵⁴ *Arun Jain vs. State of NCT of Delhi*, Special Leave Petition (Criminal) No.9178 of 2018 dated 01.04.2024

⁵⁵ *ibid*

⁵⁶ M P Ram Mohan, Sriram Prasad, Vijay V Venkitesh, Sai Muralidhar & Jacob P Alex, *The Supreme Court of India's Use of Inherent Power under Article 142 of the Constitution: An Empirical Study* (IIMA Working Paper WP 2024-05-02, 30 May 2024) https://www.iima.ac.in/sites/default/files/2024-05/W.P.No_.2024-05-02.pdf accessed 2 December 2025

⁵⁷ *ibid*

⁵⁸ *State of Tamil Nadu v. Governor of Tamil Nadu & Anr.* 2025 INSC 481

increasingly positioning Article 142 as an instrument to remedy constitutional stalemates rather than merely civil or criminal procedural issues.

The Court has utilized Article 142 to address issues such as administrative oversight and public appointments, particularly in circumstances that could lead to injustice like delays in trials or inconsistent bail applications. These ad hoc interventions, while aimed at safeguarding fundamental rights under Articles 21 and 14, provoke critical discussions regarding the implications of judicial policy-making in areas typically governed by legislative or executive authority.

At the same time, the Court has occasionally shown restraint⁵⁹. In multiple cases in 2024 and 2025, benches have declined to invoke Article 142 where statutory provisions provided a complete framework or where judicial intervention risked undermining democratic processes⁶⁰. This signals a conscious recognition that unbounded reliance on Article 142 could erode constitutional checks and balances. However, empirical studies such as the IIM-Ahmedabad analysis reveal that this restraint is uneven⁶¹, with many benches still invoking Article 142 without clearly articulating doctrinal justifications or limits⁶².

Overall, the current judicial approach to Article 142 reflects a balance between principled restraint and active intervention. The Supreme Court bases its decisions on constitutional values while employing Article 142 to address systemic issues, legislative voids, and procedural limitations. This reflects the ongoing relevance of Article 142 and underscores the necessity for clearer legal guidelines to maintain constitutional balance while achieving “complete justice.”

V. Critique of the Article 142: A “Constitutional Supremacy”

The Supreme Court of India faces significant criticism regarding its use of extraordinary powers under Article 142(1), which is intended to supplement rather than supplant existing laws⁶³. Critics argue that the Court's exercise of this power to create new legal precedents

⁵⁹ *Madduri Gangaraju @ Babu Rao v. Madduri Sunanda* (2025 INSC 991)

⁶⁰ *Jomon K.K. v. Shajimon P. & Others*, 2025 INSC 425 (SC)

⁶¹ Mohan and others (n 56)

⁶² Mohan and others (n 56)

⁶³ V Venkatesan, ‘Has the Supreme Court been trigger-happy with Article 142?’ (Supreme Court Observer, 21 April 2025) <https://www.scobserver.in/journal/has-the-supreme-court-been-trigger-happy-with-article-142/> accessed 2 December 2025

interferes with the Legislature's authority to amend laws⁶⁴. This concern was notably expressed by Justices Katju and V.R. Sirpurkar in the case of *Vishnu Dutt Sharma v. Manju Sharma*⁶⁵, where they dismissed a divorce appeal, emphasizing that introducing “*irretrievable breakdown*” as a ground for divorce should be a legislative task⁶⁶. Such judicial actions are viewed as possibly extending the Judiciary's influence over the Legislature, raising questions about the fairness and impartiality of justice.

Statutory law serves to inform the public about appropriate conduct and the consequences of breaches, ensuring individuals are aware of their rights, which are protected by these laws. Ignoring statutory law in the name of “complete justice” leads to unfair proceedings, violating the rights of those who act according to established law⁶⁷. Furthermore, decisions made by the Supreme Court of India that contradict statutes create precedents that weaken the authority of codified law, as such decisions that overlook the existing legal framework are often deemed invalid.

In light of the 2018 Sabarimala judgement, Attorney General K.K. Venugopal criticized Article 142, describing it as “*Kamdhenu from which unlimited powers flowed*” for the Supreme Court⁶⁸. He acknowledged its beneficial use for marginalized groups but argued for implementing checks and balances⁶⁹, proposing that cases invoking Article 142 be reviewed by a Constitution Bench of five judges.

Another aspect of the theory of separation of powers includes checks and balances⁷⁰. In the Governor Case⁷¹, the court supported the legislature against the governor's obstruction. Article 142 allows the court to provide various forms of relief, but its ambiguous application can lead to perceived overreach. When courts extend their rulings beyond interpretation, they encroach upon legislative authority, necessitating a careful exercise of power to uphold constitutional

⁶⁴ *Jomon K K v Shajimon P & Others* 2025 INSC 425

⁶⁵ *Vishnu Dutt Sharma v Manju Sharma* (2009) 6 SCC 379

⁶⁶ *ibid*

⁶⁷ Manoj Mitta, ‘SC benches differ on “irretrievable breakdown” of marriage’ *The Times of India* (18 December 2009)

⁶⁸ Venkatesan (n 44)

⁶⁹ Kalpana Sharma, ‘Article 142 and the need for judicial restraint’ *The Hindu* (10 May 2017) <https://www.thehindu.com/opinion/op-ed/article-142-and-the-need-for-judicial-restraint/article18474919.ece> accessed 2 December 2025

⁷⁰ Sumit Kumar, ‘ARTICLE 142: Complete Justice or Judicial Overreach’ (Jus Corpus, 30 May 2025) <https://www.juscorpus.com/article-142-complete-justice-or-judicial-overreach/> accessed 2 December 2025.

⁷¹ *State of Tamil Nadu v Governor of Tamil Nadu & Another* 2025 INSC 481

principles and mitigate overreach⁷².

According to research released by IIM-Ahmedabad in May 2024⁷³, just half of the 1579 Supreme Court cases that utilised the terms “*Article 142*” or “*complete justice*” between 1950 and 2023 involved the Court “*explicitly*” using its authority under the article. In nearly 40% of cases, the Court's application of Article 142 was “*ambiguous/not used.*” It expressly rejected the use of the provision in around 10 percent of cases. The study also found that the Court has explicitly used its powers under Article 142 only in 791 cases⁷⁴.

In the 74 years from 1950 to 2023, Article 142's extraordinary powers were utilized in 791 cases, averaging nearly 11 cases per year. This indicates that, approximately every month, the courts are making law using this provision⁷⁵.

Furthermore the IIM- Ahmedabad study noted that 73.78% of cases were heard by two-judge benches, while three-judge and five-judge benches accounted for 20.71% and 4.18%, respectively. Additionally, there were eight cases decided by single-judge benches and one by a four-judge bench⁷⁶. It looks as if less and fewer judges are deciding the law to offer “complete justice” utilising Article 142 either as an argument or to utilise its unique powers⁷⁷.

It is interesting to note down that Article 142 was passed by the Constituent Assembly without much debate and discussion, indicating that its members viewed it as a simple enabling provision rather than a potential tool for misuse⁷⁸.

VI. Concluding Remarks

The Supreme Court's recent decisions to grant divorce⁷⁹ on the non-statutory ground of “*irretrievable breakdown of marriage*”⁸⁰ and the subsequent self-criticism have revived discussions on the scope of Article 142 of the Indian Constitution⁸¹. This article is viewed as a

⁷² Kumar (n 52)

⁷³ Mohan and others (n 56)

⁷⁴ *ibid*

⁷⁵ *ibid*

⁷⁶ *ibid*

⁷⁷ R Jagannathan, ‘When Judges Turn Lawmakers: The Dangerous Expansion of Article 142’ *Swarajya* (22 April 2025) <https://swarajyamag.com/legal/when-judges-become-lawmakers-the-dangerous-expansion-of-article-142> accessed 2 December 2025.

⁷⁸ *ibid*

⁷⁹ *Mala Kar v State of Uttarakhand* Criminal Appeal No 1684 of 2024 (19 March 2024) (SC)

⁸⁰ *Arun Jain v State of NCT of Delhi* SLP (Criminal) No 9178 of 2018 (1 April 2024) (SC)

⁸¹ *Madduri Gangaraju @ Babu Rao v Madduri Sunanda & Others* 2025 INSC 991

progressive measure for justice, yet its exercise must be scrutinized.

As Marcus Cicero highlights the admiration for orators who speak fluently and with discretion, emphasizing that this admiration must be tempered by a need for restraint. Discretion should be guided by a sense of responsibility that outlines when and how to apply it⁸². This Quote explains the principles governing the use of extraordinary power under Article 142 of the Indian Constitution. It emphasizes that while the Supreme Court justices have this power, its abuse can lead to judgments that violate the law and justice. The court must uphold judicial integrity and process while balancing legal principles and equity.

The open-ended nature of Article 142 suggests a mandate for the Supreme Court to develop its own jurisprudence. The Quote calls for the justices to critically examine and refine the current understanding of Article 142 to ensure its purposive application. Lastly as *H.M. Seervai* said *“Paradoxically, the greatest danger to the administration of justice and constitutional interpretation arises from the genuine desire of Judges to do justice in each individual case⁸³”*. Keeping that in mind the application of Article 142 must be highly selective and done only with the utmost consideration of the separation of powers while ensuring that complete justice is delivered. The following is a thorough and comprehensive summary of this incredible power's nature:

“The plenary powers of this Court under Article 142 of the Constitution are inherent in the Court and are complementary to those powers which are specifically conferred on the Court by various statutes though are not limited by those statutes. These powers are of very wide amplitude and are in the nature of supplementary powers⁸⁴.”

⁸² Harshad Pathak, ‘Article 142: Incomplete Justice?’ (2013) 3 *CNLU Law Journal*.

⁸³ HM Seervai, *Constitutional Law of India* (Universal Law Publishing 2010) xxv

⁸⁴ *Supreme Court Bar Association v Union of India* (1998) 4 SCC 409, 431