



Mains Practice Question

Q. The evolving interpretations of Article 142's 'complete justice' mandate by the Supreme Court have redefined judicial boundaries. Discuss its implications on separation of powers. **(150 words)**

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Approach

- Introduce the answer by highlighting the provision of Article 142
- Highlight Role of Article 142 in Judicial Activism
- Give Positive and Negative Implications on Separation of Powers
- Delve into Challenges to Separation of Powers
- Suggest a Way Forward
- Conclude suitably.

Introduction

Article 142 of the Constitution grants the Supreme Court the authority to **issue orders or decrees to ensure "complete justice" in any case**. This provision has allowed the Court to address gaps in legislation and executive action, but its **activism has raised concerns regarding the doctrine of separation of powers**, a cornerstone of India's democratic framework.

Article 142 and its Role in Judicial Activism:

- **Scope of Article 142:** Enables the Supreme Court to **address issues where legislative or executive actions are absent or ineffective**.
 - Allows the judiciary to uphold constitutional values, safeguard fundamental rights, and deliver social justice by intervening in public interest.
- **Judicial Precedents Reflecting Evolving Interpretations:**
 - **Vishaka Guidelines (1997):** Addressed **workplace sexual harassment** in the absence of specific legislation, eventually leading to the enactment of the **Prevention of Sexual Harassment Act, 2013**.
 - **Babita Puniya Case (2020):** Mandated permanent commission for women in the Indian Army, **promoting gender equality**.
 - **K.S. Puttaswamy Case (2017):** Affirmed the **right to privacy as a fundamental right**, showcasing the judiciary's role in protecting individual liberties.

Implications on Separation of Powers:

While Article 142 has facilitated **judicial intervention in critical cases**, its evolving interpretations have raised significant concerns regarding the separation of powers.

Positive Impacts on Governance:

- **Addressing Legislative and Executive Inaction:**
 - **Coal Block Allocation Case (2014):** The Supreme Court **canceled illegal coal block**

allocations, ensuring accountability where the executive had failed.

- **Cleaning of the Taj Mahal:** Highlighted the **judiciary's proactive role in addressing environmental and heritage preservation** concerns.
- **Protection of Constitutional Rights:**
 - Strengthened democracy by protecting minority rights, addressing systemic discrimination, and ensuring inclusivity.
 - **Example: Vineeta Sharma vs. Rakesh Sharma (2020)** resolved conflicting interpretations regarding daughters' coparcenary rights, ensuring gender justice.
- **Social Justice and Equity:** Tackled societal issues neglected by the legislature or executive.
 - In **Re: Inhuman Conditions in 1382 Prisons**, the Court addressed concerns such as overcrowding, delayed trials, and the prolonged detention of undertrials.
 - It instructed state governments to promptly identify and release undertrials who are eligible for release under Section 436A of the CrPC.
 - In **November 2024, Justices Hrishikesh Roy and SVN Bhatti re-emphasized** that releasing all eligible undertrials is vital to tackling inhuman conditions and overcrowding in prisons, highlighting the importance of hearing the voiceless prisoner.

Challenges to Separation of Powers:

- **Judicial Overreach:** Activism under **Article 142** often blurs the boundaries between the judiciary, legislature, and executive.
 - In the **S.R. Bommai vs. Union of India (1994)** case, the Supreme Court's intervention in Karnataka's political crisis **established the floor test as the key measure of a party's support in power**, blurring the line between the executive and judiciary and raising concerns of judicial overreach.
- **Subjective Definition of "Complete Justice":** The absence of a standardized framework for "complete justice" grants the judiciary wide discretion. This can lead to inconsistency and potential misuse.
 - The **lack of uniformity in judicial rulings on contentious issues** (e.g., reservations or economic policies) can create unpredictability.
- **Encroachment on Legislative Authority:** When courts issue directives or guidelines (e.g., **Vishaka Guidelines**), it undermines the legislature's authority to enact laws.
 - Unlike the legislature and executive, **judicial decisions under Article 142 are not easily subject to scrutiny or reversal.**
- **Erosion of Institutional Balance:** Prolonged judicial intervention in policy matters may **weaken institutional capacities of the legislature and executive**, encouraging dependency on courts for resolving non-judicial issues.

Way Forward

- **Defining "Complete Justice":** Establish clear guidelines to **standardize the scope of Article 142** and minimize subjective interpretation.
- **Promoting Institutional Balance:** Judiciary should exercise **self-restraint in areas that fall exclusively within the domain of the legislature and executive**, unless there is a constitutional or fundamental rights violation.
- **Strengthening Accountability:** Judicial decisions under Article 142 should be **accompanied by detailed reasoning and periodic review mechanisms** to ensure checks and balances.
- **Fostering Collaborative Governance:** The legislature and executive must address judicial observations and fill policy gaps to **reduce dependence on Article 142 interventions.**

Conclusion

While judicial activism under Article 142 has reinforced democracy and social justice, its **overreach risks undermining the principle of separation of powers**. A calibrated approach, emphasizing **judicial restraint and inter-institutional cooperation**, is vital to preserving **constitutional balance and strengthening democratic governance**.

