The Role of Judiciary in Complete Justice

Mains: *GS II - Judiciary*

Why in News?

Recently, there is a growing concerns and supportive arguments with regards to the supreme courts role in ensuring complete justice.

What is the scope of Article 142?

- **Constitutional position of SC** – The Indian constitution provides for a provision of Supreme Court under *Part V* (The Union) and *Chapter 6* (The Union Judiciary).
- **Articles 124 to 147** – They deal with the organisation, independence, jurisdiction, powers and procedures of the Supreme Court.
- **The scope of Article 142** – The Supreme Court of India, as the guardian and custodian of the Constitution, is entrusted with the responsibility of ensuring justice in situations where ordinary laws may prove inadequate.
- To fulfil this constitutional mandate, Article 142 empowers the Supreme Court to pass any decree or order necessary for "complete justice" in any matter before it.
- This extraordinary power acts as a constitutional safety valve, enabling the Court to bridge legal gaps and protect fundamental rights when statutory mechanisms fail.
- **Contemporary relevance of Article 142 –** The recent decision of the Supreme Court in *In Re: Phalodi Accident vs. National Highways Authority of India and Others (2025)* reflects the dynamic role of Article 142.
- Taking suo motu cognisance of two road accidents that caused the death of 34 persons, the Court elevated *the right to safe travel on National Highways* to the status of a fundamental right under Article 21.
- The Court declared that safe and well-maintained roads are not merely policy objectives but constitutional obligations of the State.
- Such interventions demonstrate the judiciary's commitment to substantive justice and protection of life and dignity.
- **Emerging debate –** However, the exercise of these extraordinary powers often raises concerns regarding judicial overreach and possible encroachment into the legislative and executive domains.
- Therefore, the debate surrounding Article 142 centres on balancing judicial activism with constitutional limitations.
- **Judicial interpretation –** In *Delhi Judicial Service Association vs. State of Gujarat (1991)*, the Supreme Court held that the power under Article 142 is of a different level and quality.
- It cannot be restricted by limitations imposed under ordinary statutes.
- The Court recognised that constitutional powers must remain broad enough to remedy situations where statutory law is silent or ineffective.
- **Constitutional significance –** Thus, Article 142 strengthens the role of the Supreme Court as the final protector of constitutional rights and due process.

What is the meaning and nature of complete justice?

- **Understanding the concept –** The phrase "complete justice" signifies justice in its fullest sense — legal, equitable and substantive.
- It goes beyond technical compliance with procedural law and seeks to ensure fairness in the ultimate outcome.
- **Legal justice versus substantive justice –** The concept recognises that legal justice alone may not always remove injustice.
- Therefore, where statutory provisions fail to provide adequate remedies, the Court may rely upon principles of natural justice and constitutional values.
- In *Canara Bank vs. Debasis Das (2003)*, the Supreme Court observed that the Constitution aims to deliver substantive justice, which involves removal of injustice through both legal and natural justice.
- This highlights the constitutional preference for fairness and equity over procedural rigidity.
- **Need for judicial restraint –** At the same time, the Court has emphasised that Article 142 is an extraordinary jurisdiction requiring caution and restraint.
- In *Hitesh Bhatnagar vs. Deepa Bhatnagar (2011)*, the Court held that extraordinary care and caution must be exercised while invoking such powers.
- **Nature of the power –** Therefore, Article 142 is not an unrestricted authority but a constitutional tool meant to ensure justice where ordinary law becomes inadequate.
- The judiciary has often intervened proactively where legislative responses were delayed or absent.

What is the relationship between complete justice and natural justice?

- **Principle of natural justice –** The concept of complete justice is closely linked with the principle of natural justice.
- Natural justice refers to fairness, impartiality and reasonableness in decision-making.
- Since the Constitution seeks to uphold dignity and equality, the judiciary often invokes natural justice to prevent arbitrariness and injustice.
- **Harmonising law and equity –** Article 142 enables the Supreme Court to harmonise legal justice with equitable justice.
- In situations involving rapidly evolving social realities such as live-in relationships, LGBTQ+ rights or technological changes, existing laws may not adequately address emerging concerns.
- In such circumstances, the Court adopts a purposive interpretation of constitutional principles to ensure justice.
- **Constitutional morality and human dignity –** Thus, Article 142 serves as an instrument through which constitutional morality and human dignity are protected in changing socio-economic conditions.

What is the power of High Courts in delivering complete justice?

- **Scope of High court powers –** Although High Courts enjoy wide jurisdiction under Article 226, the Supreme Court has clarified that these powers are not equivalent to those under Article 142.
- **Judicial clarification –** In *Anil Kumar Jain vs. Maya Jain (2009)*, the Court held that High Courts do not possess the same extraordinary constitutional authority as the Supreme Court.
- Nevertheless, High Courts are still empowered to ensure justice within the framework of constitutional remedies and writ jurisdiction.
- **Comparative position –** Therefore, while complete justice remains primarily associated with the Supreme Court, High Courts also contribute to substantive justice in a more limited and circumscribed manner.

What are the concerns and supportive arguments?

- **Concerns regarding judicial activism –** Despite its importance, Article 142 remains controversial.
- Critics argue that excessive judicial intervention may violate the doctrine of separation of powers by allowing the judiciary to perform legislative or executive functions.
- **Encroachment into policy domain –** Concerns arise particularly when the Court issues broad policy directions or creates guidelines in areas where Parliament has not enacted laws.
- Critics contend that such actions may undermine democratic accountability and institutional balance.
- **Justification for judicial intervention –** However, these criticisms must be viewed in context.
- Judicial activism under Article 142 generally emerges in response to legislative vacuum, administrative inaction or violation of fundamental rights.
- The judiciary intervenes not to replace the Legislature or Executive but to ensure that constitutional guarantees are not rendered meaningless.
- **Constitutional legitimacy –** Moreover, Article 142 itself is a constitutional provision and therefore a legitimate source of judicial authority.
- The Court's interventions are intended to deliver social, economic and political justice, which form part of the constitutional vision enshrined in the Preamble.
- **Need for judicial restraint –** Nevertheless, judicial restraint remains essential to preserve institutional harmony.
- The judiciary must ensure that Article 142 is exercised only in exceptional situations where ordinary remedies are insufficient.

What lies ahead?

- Through this provision, the judiciary acts as a constitutional guardian capable of responding to evolving social realities and protecting fundamental rights.
- The recent recognition of safe travel on National Highways as a component of Article 21 demonstrates the continuing relevance of complete justice in contemporary governance.
- At the same time, concerns regarding judicial overreach underline the need for balanced and restrained exercise of such powers.
- Ultimately, Article 142 must function as an exceptional constitutional remedy guided by fairness, constitutional morality and public welfare.
- When exercised with caution and wisdom, it strengthens the rule of law and reinforces citizens' faith in the judiciary as the ultimate protector of justice.

Reference

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