

## ARTICLE 142: POLITY

**NEWS:** How has SC deviated from the POCSO Act in a recent judgment?

### WHAT'S IN THE NEWS?

Article 142 empowers the Supreme Court to deliver “complete justice” by going beyond statutory limitations in pending cases. In recent cases like the POCSO sentencing matter, it was used to prioritize victim welfare and systemic reform over rigid punishment.

#### Judicial Use of Article 142 in Recent POCSO Sentencing Case (2023–2025)

- In a **suo motu writ petition**, the **Supreme Court invoked Article 142** in a sensitive case under the **POCSO Act** following a controversial Calcutta High Court judgment.
- The Court chose to **withhold the convict's sentence**, prioritizing **victim's welfare, long-term rehabilitation**, and **systemic reform** over conventional punitive justice.
- This case represents a **landmark shift towards a victim-centric judicial approach** under Article 142.

#### Understanding Article 142 of the Constitution

- **Text of Article 142(1):** Empowers the Supreme Court to “pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it.”
- It is a **unique constitutional provision** that allows the apex court to go beyond statutory limitations to secure justice.

#### Scope and Purpose of Article 142

- **Nature of Power:**
  - Article 142 grants **discretionary and inherent powers** exclusively to the Supreme Court.
  - It enables the court to operate beyond the **rigid application of law** if such application leads to injustice.
- **Objective:**
  - Aims to deliver **substantive justice** beyond technicalities and procedural constraints.
  - Serves as a **constitutional tool to bridge legal gaps** in exceptional situations.
- **Jurisdictional Limitation:**
  - This power is applicable **only in matters pending before the Supreme Court**.
  - It cannot be used in cases not under its direct jurisdiction.
- **Judicial Restraint:**

- Though wide, this power is not unlimited.
- It must align with the **constitutional framework** and cannot violate the **basic structure doctrine**.

### Judicial Philosophy Underlying Article 142

- **Constitutional Values:**
  - Embodies the **principles of equity, fairness, justice, and human dignity**.
  - Reinforces the Supreme Court's role as a **protector of constitutional morality**.
- **Judicial Empathy:**
  - Reflects the Court's **sensitivity to social realities**, particularly in cases involving vulnerable populations.
  - Seen in the **victim-oriented approach** in recent POCSO case.
- **Balancing Act:**
  - Seeks to balance **legal enforcement** with **ethical obligations** and **humanitarian concerns**.
- **Ethical Responsibility:**
  - Courts adopt a **proactive and empathetic role** to ensure that justice is **humane and responsive**, not just lawful.

### Landmark Precedents Involving Article 142

1. **Union Carbide Corporation (Bhopal Gas Tragedy Case):**
  - Article 142 was used to override procedural roadblocks and ensure **swift compensation** to victims.
  - Enabled the Supreme Court to **settle claims equitably** despite statutory limitations.
2. **Ayodhya Verdict (2019):**
  - Article 142 ensured a **peaceful and equitable resolution** of the disputed land.
  - The court awarded alternate land to the Sunni Waqf Board, demonstrating a commitment to **communal harmony** and **historical reconciliation**.
3. **POCSO Sentencing Case (2024–2025):**
  - Supreme Court invoked Article 142 to **withhold mandatory sentencing** under the POCSO Act.
  - The decision focused on the **psychological rehabilitation and future of the victim**.

- Signifies a shift from punishment-centric to **welfare-centric justice delivery**.

### Constitutional and Legal Significance of Article 142

- **Flexibility in Justice Delivery:**
  - Acts as a **safety valve** in India's legal system to address **exceptional injustices**.
- **Complements Legislative Framework:**
  - It fills **legal and procedural voids** where strict application of law might cause hardship.
- **Guardrail Against Judicial Overreach:**
  - Despite its wide scope, judicial use of Article 142 is **circumscribed by self-imposed restraint**.
- **Reflection of Constitutional Morality:**
  - Reinforces the **principles of justice, equality, and liberty**, especially for **marginalized communities**.

### Limitations and Safeguards on Article 142

- Article 142 **cannot be used** to:
  - Override **explicit statutory provisions**.
  - Violate **fundamental rights** guaranteed by the Constitution.
  - Perform **legislative or executive functions**, which are reserved for other branches of the government.
- **Conditions for Use:**
  - Must be invoked **only when necessary** to do **complete justice**.
  - Should be used **sparingly** to avoid creating **unwarranted precedents**.
  - Requires **judicial propriety** and a commitment to the **separation of powers**.

### Conclusion

- Article 142 is a **powerful constitutional tool** that underscores the **Supreme Court's role as the guardian of justice**.
- Its judicious use can **rectify systemic flaws**, uphold **human dignity**, and ensure justice where the law alone may fall short.

However, **overuse or misuse** could **blur institutional boundaries**, and thus, it must be exercised with **great caution and constitutional fidelity**