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## **Constitution of India Art 142 - Enforcement of decrees and orders of Supreme Court and orders as to discovery, etc**

(1) 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 order 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 prescribe.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Supreme Court shall, as respects the whole of the territory of India, have all and every power to make any order for the purpose of securing the attendance of any person, the discovery or production of any documents, or the investigation or punishment of any contempt of itself.

### SYNOPSIS

**Complete Justice:** Complete justice would be justice according to law, and though it would be open to Supreme Court to mould the relief, the Supreme Court would not grant a relief which would amount to perpetuating an illegality, *State of Karnataka v. Umadevi* (3), (2006) 4 SCC 1: 2006 SCC (L&S) 753.

**Exercise of Power:** Power under Article 142, however wide, cannot be used to grant relief on a question not falling within the jurisdiction of the Supreme Court, *State of Karnataka v. State of A.P.*, (2000) 9 SCC 572.

In exercise of the power under Article 142 Supreme Court generally does not pass an order in contravention of or ignoring

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the statutory provisions nor is the power exercised merely on sympathy, *Manish Goel v. Rohini Goel*, (2010) 4 SCC 393: (2010) 2 SCC (Civ) 162.

The Supreme Court in exercise of its powers under Article 142, generally should not issue any direction to waive statutory requirement. Courts are meant to enforce the law and therefore, are not expected to issue a direction in contravention of law or to direct the statutory authority to act in contravention of law, *Poonam v. Sumit Tanwar*, (2010) 4 SCC 460: (2010) 2 SCC (Civ) 177.

Overruled *V.C. Mishra* case, (1995) 2 SCC 584, on the point that while exercising power under Article 142, the court can ignore statutory substantive provisions expressly dealing with the subject, *Supreme Court Bar Association v. Union of India*, (1998) 4 SCC 409.

Interpretation: “Cause or matter” is very wide covering nearly every proceeding, *Union Carbide Corp. v. Union of India*, (1991) 4 SCC 584.