

THE APEX COURT'S POWER AND INFLUENCE: A COMPREHENSIVE OVERVIEW

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ABSTRACT: The Supreme Court of India wields unparalleled constitutional authority through judicial review, interpretative discretion, and special jurisdiction under Articles 32, 136, and 142. Its expansive interpretative powers have gradually transformed it from constitutional adjudicator into institution influencing governance, public policy, and civil liberties. The Court's decisions have consistently reinforced basic structure doctrine, empowering it to invalidate both legislative and executive transgressions. Through judicial activism, especially via Public Interest Litigations, it has created innovative doctrines like continuing mandamus and expanded ambit of Article 21. Article 142, often invoked to do "complete justice," serves as extraordinary residuary tool enabling Court to transcend procedural limitations in favour of equity and constitutional morality. Empirical studies reflect rising frequency of Article 142 usage post-1980s, with significant decisions altering legal status quo on fundamental rights, reservations, environmental regulations, and criminal justice. The Court's discretionary interventions are both praised for progressive outcomes and criticized for democratic encroachment and jurisprudential inconsistency. Further, transformative constitutionalism has elevated Court's role as instrument of social justice in matters of gender rights, minority protections, and socio-economic entitlements. This paper analyses Court's power structurally, doctrinally, and empirically to reflect upon its growing influence in shaping India's legal and political architecture.

Keywords: *Supreme Court of India; Article 142; Judicial Activism; Transformative Constitutionalism; Rule of Law; Judicial Review; Basic Structure; Apex Court Jurisprudence.*

1. INTRODUCTION

The Supreme Court of India anchors constitutional framework as final interpreter of Constitution and highest guardian of fundamental rights¹. Its authority is not derived merely from its textual empowerment under Articles 32, 136, 141, and 142, but from evolving democratic trust reposed in its judgments². Through landmark decisions, Court has not just resolved disputes but recast India's constitutional vision and societal commitments³. In early years post-1950, Court functioned primarily as referee of legality. It displayed restraint in matters touching public policy or legislative will. However, by late 1970s, catalyzed by political

¹ Jaswal, N., & Singh, L. (2017). Judicial Activism in India. *Bharati Law Review*, Jan.–Mar., 1–2.

² Chandra, A., Hubbard, W. H. J., & Kalantry, S. (2018). *The Supreme Court of India: An Empirical Overview of Institution*. University of Chicago Law School.

³ *Ibid.*, p. 3.

disruptions like Emergency, Court's jurisprudence grew assertive⁴. The recognition of 'basic structure doctrine' in *Kesavananda Bharati v. State of Kerala* (AIR 1973 SC 1461) altered its trajectory. It effectively positioned Court as permanent constitutional sentinel against parliamentary excesses⁵. This pivotal shift empowered it to review constitutional amendments and executive acts that threatened constitutional morality or democratic structure. Public Interest Litigation emerged in 1980s as revolutionary tool, recasting Court into social reformer. In *People's Union for Democratic Rights v. Union of India*, (1982) 3 SCC 235, it extended fundamental rights enforcement even against private entities discharging public functions⁶. The Apex Court began engaging in policy domains like environmental regulation, electoral reform, and gender justice, often stepping into legislative vacuums through Article 142. This Article, applied in *Mohd. Siddiq v. Mahant Suresh Das*, (2019) SCC OnLine SC 1440, allowed Court to do "complete justice" by directing construction of temple at disputed religious site⁷. Such discretionary interventions have fuelled both acclaim and criticism. India's Supreme Court today bears label "the most powerful court in world"⁸. Yet, source and scope of its expansive discretion raise fundamental constitutional questions. Scholars have argued Court's interventions lack doctrinal uniformity, especially in use of unenumerated powers⁹. While Article 142 is grounded in constitutional text, its interpretative elasticity permits outcomes unconstrained by procedural rigour or jurisdictional norms. Judicial discretion, thus, operates in nebulous space between justice and arbitrariness. The legal scholarship lacks consolidated examination of boundaries of such powers. Doctrinal inconsistencies, unpredictable jurisprudential shifts, and occasional judicial populism blur line between adjudication and governance¹⁰. There is urgent need to scrutinize whether Apex Court's role remains constitutionally faithful or veers into policymaking. The growing concern lies in balancing judicial supremacy with democratic legitimacy.

Research Problem

The central challenge lies in understanding legitimacy of expansive powers exercised by Supreme Court under Article 142 and related provisions¹¹. While its intent often aligns with delivering equity and justice, absence of judicial self-regulation may risk institutional overreach. The larger inquiry is whether these extraordinary powers harmonize with principles of separation of powers, rule of law, and democratic accountability in India's constitutional scheme¹².

2. CONSTITUTIONAL FRAMEWORK OF THE APEX COURT'S POWERS

Article 32 vests in Supreme Court original jurisdiction for enforcement of fundamental rights through writs including habeas corpus and mandamus¹³. This provision grants individuals direct access to Apex Court without procedural filters, reinforcing its role as protector of liberty and constitutional freedoms¹⁴. The Court in *Fertilizer Kamgar Union v. Union of India*, AIR 1981 SC 344, held Article 32 to be basic feature as it guarantees effective remedy against rights violations¹⁵. Article 136 empowers Supreme Court with special leave jurisdiction over any order from any court or tribunal. This provision gives it discretionary appellate power beyond regular hierarchies¹⁶. The Supreme Court in *Pritam Singh v. State*, AIR 1950 SC 169,

⁴ Baxi, U. (2013). Preliminary Notes on Transformative Constitutionalism, in Transformative Constitutionalism. Pretoria University Law Press.

⁵ *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461.

⁶ *People's Union for Democratic Rights v. Union of India*, (1982) 3 SCC 235.

⁷ *Mohd. Siddiq v. Mahant Suresh Das*, (2019) SCC OnLine SC 1440.

⁸ Shankar, S. (2018). India's Judiciary: Imperium in Imperio?, in Paul Brass (Ed.), Routledge Handbook of South Asian Politics.

⁹ Jana, R. (2022). Critical Analysis on Jurisdiction of Supreme Court under Article 142: A Power Not A Right. *Jus Corpus Law Journal*, 2(3), 65–68.

¹⁰ Ram Mohan, M. P., et al. (2025). The Supreme Court of India's Use of Inherent Power under Article 142: An Empirical Study. IIM Ahmedabad.

¹¹ *Ibid.*, pp. 12–15.

¹² Chandrashekar, A. V. (n.d.). Role of Courts in Upholding Rule of Law. High Court of Karnataka.

¹³ Constitution of India, Article 32.

¹⁴ Jaswal, N., & Singh, L. (2017). Judicial Activism in India. *Bharati Law Review*, 1.

¹⁵ *Fertilizer Kamgar Union v. Union of India*, AIR 1981 SC 344.

¹⁶ Constitution of India, Article 136.

clarified that Article does not confer right to appeal but permits intervention to prevent injustice¹⁷. This ensures that no gross miscarriage of justice remains uncorrected merely due to procedural constraints.

Article 141 binds all courts across India to law declared by Supreme Court. This principle of precedential authority forms bedrock of legal certainty and uniformity¹⁸. The Apex Court's decisions function as guiding principles, controlling adjudication of future disputes in all forums. Even tribunals and quasi-judicial bodies are required to follow pronouncements of Supreme Court without deviation¹⁹. Article 142 stands out for its extraordinary character. It empowers Court to pass any decree necessary for doing "complete justice" in case. In *Union Carbide Corporation v. Union of India*, (1991) 4 SCC 584, Court used this Article to craft unprecedented settlement framework for Bhopal gas tragedy victims²⁰. In *Mohammad Siddiq v. Mahant Suresh Das*, (2019) SCC OnLine SC 1440, Court invoked Article 142 to transfer disputed land for construction of temple, bypassing civil law technicalities²¹. Such use demonstrates Court's willingness to transcend procedural rigidity to fulfil equitable ends.

Article 144 requires all authorities, civil or judicial, to act in aid of Supreme Court. This provision reinforces institutional obedience and asserts commanding position of Court in constitutional governance²². Together with Articles 141 and 142, this ensures enforceability of judicial will across bureaucratic hierarchies. Though less frequently discussed, Article 227 confers upon High Courts supervisory jurisdiction over subordinate courts and tribunals. While this is not directly applicable to Supreme Court, it reflects hierarchical structure and coherence Constitution envisioned. The Supreme Court's own powers operate beyond this supervisory scope, often overseeing even High Courts through appellate or constitutional jurisdiction²³. The recognition of Court as custodian of Constitution and basic structure doctrine came firmly in *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461. In this landmark judgment, Court declared that Parliament could not alter fundamental features of Constitution²⁴. Judicial review became shield against majoritarian constitutional amendments, affirming Court's foundational role in preserving democracy, secularism, and rule of law.

3. JUDICIAL ACTIVISM AND THE DOCTRINE OF EXPANDED REVIEW

Judicial activism refers to judiciary's proactive stance in interpreting and applying law to uphold constitutional values, sometimes beyond strict legal texts²⁵. This philosophy enables judges to shape legal doctrines in response to evolving societal needs. Black's Law Dictionary defines it as judicial decision-making approach where policy considerations guide rulings, occasionally at cost of precedent²⁶. In India, this activism has often emerged in response to legislative vacuum or executive inaction. The shift from textualism to purposivism is visible in judgments like *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248. In this case, Court read Articles 14, 19, and 21 together, establishing 'golden triangle' of rights. It extended interpretation of "procedure established by law" to mean just, fair, and reasonable procedure. This purposive interpretation widened constitutional protections, initiating era of substantive due process in India²⁷. Similarly, in *M.C. Mehta v. Union of India*, (1987) 1 SCC 395, Court proactively expanded environmental jurisprudence. Without waiting for legislative action, it issued directions for industrial safety and environmental protection. This illustrates how judicial activism advanced both constitutional mandates and public interest²⁸.

¹⁷ Pritam Singh v. The State, AIR 1950 SC 169.

¹⁸ Constitution of India, Article 141.

¹⁹ Ram Mohan, M. P., et al. (2025). The Supreme Court's Use of Inherent Power under Article 142. IIMA.

²⁰ Union Carbide Corporation v. Union of India, (1991) 4 SCC 584.

²¹ Mohammad Siddiq v. Mahant Suresh Das, (2019) SCC OnLine SC 1440.

²² Constitution of India, Article 144.

²³ Constitution of India, Article 227.

²⁴ Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1461.

²⁵ Jana, R. (2022). Critical Analysis on Jurisdiction of Supreme Court under Article 142. Jus Corpus Law Journal, 2(3), 65–66.

²⁶ Black's Law Dictionary (11th ed.).

²⁷ Maneka Gandhi v. Union of India, (1978) 1 SCC 248.

²⁸ M.C. Mehta v. Union of India, (1987) 1 SCC 395.

The rise of Public Interest Litigation (PIL) in 1980s marked institutionalisation of activism. In *S.P. Gupta v. Union of India*, AIR 1982 SC 149, Court relaxed rules of locus standi. It allowed public-spirited individuals to file petitions on behalf of disadvantaged groups who couldn't access justice themselves²⁹. This innovation dismantled barriers of procedural technicality, opening courtroom to marginalised voices. PILs led Court to issue binding guidelines in areas traditionally under executive control. In *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241, Court framed sexual harassment guidelines in absence of legislation. These guidelines remained binding until statutory enactment through Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The Vishaka judgment reflected expanded role of judiciary in shaping policy through law³⁰.

According to Dr. Nishtha Jaswal and Dr. Lakhwinder Singh, judicial activism is response to constitutional duty. In their article *Judicial Activism in India*, they argue that judiciary must protect individuals against state's unjust actions, especially when political mechanisms fail³¹. They highlight that Articles 32 and 226, when read with Article 13, empower courts to annul unconstitutional laws or actions, which becomes operational site of activism. The transformation was not without criticism. Concerns of judicial overreach and encroachment on legislative prerogatives were raised. Critics argue that Article 142, while textually valid, permits wide discretion with no external review, risking erosion of checks and balances. However, defenders assert that in polity marked by administrative inertia and legislative delay, judiciary often remains sole forum for constitutional vindication³². The emergence of "continuing mandamus" as procedural innovation also demonstrates activist impulse. In *T.N. Godavarman Thirumulpad v. Union of India*, (1997) 2 SCC 267, Court kept matter alive through periodic monitoring. It continues to pass directions even decades later, asserting sustained jurisdiction in environmental governance. This tool ensures accountability and compliance but simultaneously blurs line between adjudication and administration³³. The evolution of activism has thus shaped constitutionalism in India. It enabled Supreme Court to respond to modern complexities with legal creativity and social empathy. The activist doctrine expanded constitutional review beyond legality into domains of justice, equity, and accountability.

4. ARTICLE 142 – 'COMPLETE JUSTICE' OR 'EXTRA-CONSTITUTIONAL' POWER?

Article 142(1) authorizes Supreme Court to pass any decree necessary for doing "complete justice" in any pending matter. The phrase lacks concrete definition or express limitation³⁴. Unlike other provisions, Article 142 is not bound by procedural or statutory constraints. In *Prem Chand Garg v. Excise Commissioner*, AIR 1963 SC 996, Court acknowledged that Article 142 cannot override fundamental rights or substantive laws, yet continued expanding its use later³⁵. In *Mohd. Siddiq v. Mahant Suresh Das*, (2019) SCC OnLine SC 1440, Court awarded disputed land for Ram Mandir construction under Article 142 despite recognizing historical wrongs and legal ambiguity. The judgment bypassed civil law limitations, ordering trust formation and land allotment on grounds of "complete justice"³⁶. Critics argued this constitutional override diluted rule-of-law principles in favour of majoritarian sentiment. In *Jaishri Laxmanrao Patil v. Chief Minister*, (2021) 8 SCC 1, Supreme Court explicitly refused to invoke Article 142. It held that granting reservations beyond 50% violates basic structure and cannot be saved even by extraordinary powers. This reflects restrained approach where Court acknowledged constitutional ceiling and preserved judicial legitimacy through deference to constitutional text³⁷.

²⁹ S.P. Gupta v. Union of India, AIR 1982 SC 149.

³⁰ Vishaka v. State of Rajasthan, (1997) 6 SCC 241.

³¹ Jaswal, N., & Singh, L. (2017). Judicial Activism in India, 2–3.

³² Ram Mohan, M. P., et al. (2025). The Supreme Court's Use of Inherent Power under Article 142. IIMA.

³³ T.N. Godavarman Thirumulpad v. Union of India, (1997) 2 SCC 267.

³⁴ Constitution of India, Article 142.

³⁵ Prem Chand Garg v. Excise Commissioner, AIR 1963 SC 996.

³⁶ Mohd. Siddiq v. Mahant Suresh Das, (2019) SCC OnLine SC 1440.

³⁷ Jaishri Laxmanrao Patil v. Chief Minister, (2021) 8 SCC 1.

Ranita Jana critiques unbounded character of Article 142 in her paper “A Power, Not Right”³⁸. She notes that Article grants power, not fundamental right, and is thus not subject to enforcement in itself. Her argument stresses that institutional legitimacy demands judicial self-restraint. Jana points out that unchecked use of Article 142 blurs distinction between judicial discretion and arbitrariness, raising doubts about separation of powers and democratic structure³⁹. The empirical working paper by M.P. Ram Mohan and team at IIM Ahmedabad provides quantitative overview of Article 142 usage across over 1500 judgments⁴⁰. Their analysis found that provision is mostly used in matrimonial cases (31%), followed by land disputes and environmental cases. Notably, only 2% of cases deal with fundamental rights directly. This suggests Court employs Article 142 not for constitutional adjudication but for resolving procedural or practical gridlocks. Their data shows that 56% of Article 142 judgments involved procedural relaxations or directions beyond existing laws. The remaining 44% included final remedies that had no statutory basis. These patterns expose growing judicial practice of relying on “extra-legal discretion” rather than statutory interpretation. While this bridges legislative inertia, it also risks judicial supremacy over other constitutional organs. Controversies over Article 142 often revolve around its tension with rule of law. Scholars argue that when used without clear boundaries, it creates legal uncertainty and undermines public confidence in judicial impartiality. The dissenting opinion in *Supreme Court Bar Association v. Union of India*, (1998) 4 SCC 409, warned that Article 142 cannot be license to ignore express statutory provisions. The majority opinion, however, continued to validate equitable reliefs under provision⁴¹. This tension lies at heart of constitutional legitimacy. Rule of law demands adherence to general norms, while equity-driven justice under Article 142 permits case-specific deviations. Balancing these principles is Supreme Court’s institutional challenge. A possible way forward lies in evolving internal guidelines or self-regulatory thresholds for Article’s invocation.

5. TRANSFORMATIVE CONSTITUTIONALISM AND THE ROLE OF THE APEX COURT

Transformative constitutionalism frames judiciary as agent of social reform, tasked with actively reshaping unjust structures into inclusive and equitable ones. Upendra Baxi and colleagues describe this not merely as interpretation but constitutional performance grounded in empathy, justice, and moral responsibility⁴². The Indian Supreme Court, through purposive and progressive rulings, has engaged deeply with this vision. In *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1, Court struck down Section 377 IPC to decriminalize homosexuality. The judgment emphasized dignity, autonomy, and equal worth of LGBTQ+ persons under Articles 14, 15, and 21. Justice Chandrachud observed that Constitution is not document of “frozen rights” but living text that must embrace evolving human rights values⁴³.

In *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241, Court responded to sexual harassment complaints in absence of statutory law. Invoking international obligations under CEDAW and constitutional guarantees under Article 21, Court crafted enforceable workplace guidelines. These remained in force until codified through 2013 legislation. The case shows how transformative interpretation filled legislative gaps to protect women’s dignity⁴⁴. In *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180, Court acknowledged right to livelihood as integral part of right to life. It prevented arbitrary eviction of pavement dwellers and introduced discourse of socio-economic rights within framework of Article 21. This marked shift from negative to positive obligations under Constitution⁴⁵. The *Naz Foundation v. Government of NCT of Delhi*, (2009) 160 DLT 277 (Del HC), later upheld in *Navtej Johar*, also embraced transformative ideals.

³⁸ Jana, R. (2022). A Power, Not Right: Critical Analysis on Article 142. *Jus Corpus Law Journal*, 2(3), 65–68.

³⁹ *Ibid.*, pp. 66–67.

⁴⁰ Ram Mohan, M. P., et al. (2025). The Supreme Court’s Use of Inherent Power under Article 142: An Empirical Study. IIM Ahmedabad.

⁴¹ *Supreme Court Bar Association v. Union of India*, (1998) 4 SCC 409.

⁴² Baxi, U., Viljoen, F., & Vilhena, O. (Eds.). (2013). *Transformative Constitutionalism*. Pretoria University Law Press.

⁴³ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

⁴⁴ *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.

⁴⁵ *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180.

The Court struck down criminalization of consensual adult same-sex relations as denial of equality and privacy. It reframed Article 15 to prohibit discrimination not just by state action but also on grounds of sexual orientation and identity⁴⁶.

Public Interest Litigation served as primary channel for transformative adjudication. Social movements leveraged PILs to amplify constitutional concerns and challenge structural inequalities. The *Bandhua Mukti Morcha v. Union of India*, AIR 1984 SC 802, case enabled bonded labourers to access constitutional remedies through third-party petitions. The judgment emphasized that socio-economic rights are not aspirational goals but actionable entitlements⁴⁷. These interventions demonstrate Apex Court's role in shifting legal culture from formal legality to substantive justice. By interpreting Articles 14 and 21 expansively, Court ensured that Constitution responds to real-life injustices and systemic exclusions. Yet, this approach also invites scrutiny over judicial subjectivity and ideological leanings. Transformative constitutionalism thrives on judicial creativity but must remain tethered to democratic accountability. Courts must articulate their reasoning with doctrinal clarity and ethical consistency. The legitimacy of this model rests on Court's ability to reconcile legal innovation with structural fidelity.

6. RULE OF LAW AND INSTITUTIONAL LEGITIMACY

The rule of law forms spine of Indian constitutional governance and reflects equality before law and supremacy of Constitution over arbitrariness. The Preamble, Articles 14, 21, and 32 operationalise idea by guaranteeing equal protection and judicial enforcement against executive excesses⁴⁸. The Supreme Court has consistently declared rule of law as part of basic structure doctrine, holding that no constitutional amendment or policy can violate its core⁴⁹. The judiciary's role in preserving legality intensifies during times of institutional failure or democratic backsliding. Justice A.V. Chandrashekar, in his essay "Role of Courts in Upholding Rule of Law," emphasises how courts operate as "bulwarks against executive despotism and legislative majoritarianism"⁵⁰. He argues that judicial vigilance upholds not merely legality but also constitutional morality. In *Indira Nehru Gandhi v. Raj Narain*, (1975) Supp SCC 1, Supreme Court struck down 39th Constitutional Amendment as violating rule of law and equality, illustrating its role as guardian of constitutional structure⁵¹.

The doctrine of basic structure, first propounded in *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461, was later crystallised in *I.R. Coelho v. State of Tamil Nadu*, (2007) 2 SCC 1. The Court held that laws placed under Schedule IX post-1973 are subject to basic structure review. It marked decisive moment in affirming judicial supremacy in constitutional adjudication⁵². The doctrine interlocks with rule of law, ensuring that Parliament's power remains within constitutional bounds. In *Nandini Sundar v. State of Chhattisgarh*, (2011) 7 SCC 547, Court declared unconstitutional arming of civilians as SPOs under state-sponsored vigilante groups. The judgment condemned breakdown of law and order and stressed that even national security must function under legal norms. The Court's ruling underscored that legality cannot be sacrificed at altar of expediency⁵³. Judicial legitimacy derives from its fidelity to legal reasoning, restraint, and procedural fairness. Rule of law becomes hollow if courts engage in inconsistent or selective interventions. Public trust demands transparency, principled adjudication, and strict adherence to constitutional text. Inconsistency dilutes institutional credibility and encourages accusations of judicial populism or ideological bias.

⁴⁶ Naz Foundation v. Government of NCT of Delhi, (2009) 160 DLT 277 (Del HC).

⁴⁷ Bandhua Mukti Morcha v. Union of India, AIR 1984 SC 802.

⁴⁸ Constitution of India, Articles 14, 21, 32.

⁴⁹ Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1461.

⁵⁰ Chandrashekar, A. V. (2023). Role of Courts in Upholding Rule of Law, in Jus Corpus Law Journal.

⁵¹ Indira Nehru Gandhi v. Raj Narain, (1975) Supp SCC 1.

⁵² I.R. Coelho v. State of Tamil Nadu, (2007) 2 SCC 1.

⁵³ Nandini Sundar v. State of Chhattisgarh, (2011) 7 SCC 547.

7. AN EMPIRICAL OVERVIEW OF THE SUPREME COURT'S JUDICIAL TRENDS

The empirical study by Chandra, Khosla, and Ram Mohan in *“The Supreme Court of India: An Empirical Overview”* provides foundational insights into working of Apex Court between 1993 and 2011⁵⁴. They find that around 71% of cases were decided by two-judge benches, suggesting operational preference for smaller benches. Larger constitutional benches are infrequent, often reserved for high-stake constitutional issues. The success rate for government litigants remains significantly higher than private ones, especially in PILs or matters involving policy discretion. The state wins 60% of civil appeals and over 70% of criminal appeals. This raises structural concerns on neutrality of adjudication, especially where executive action is under scrutiny⁵⁵. The authors find that Article 142 was invoked in over 350 decisions across different domains. While matrimonial and property matters dominate, 18% of Article 142 interventions involved public policy issues, showcasing shift in judicial function from dispute resolution to governance facilitation. Discretionary interventions increased post-2000, possibly due to judicial confidence and public demand for swift justice. The study also highlights concerning backlog and rising pendency. As of 2024, over 70,000 cases remain pending in Supreme Court. Delay in constitution bench references and refusal to fix procedural timelines hinder effective functioning of Apex institution. The Court's dependence on oral arguments and long vacations compounds problem. The data suggest need for internal reforms such as institutionalising larger benches, regularising publication of dissenting opinions, and publishing reasoning in regional languages to improve access. Procedural codification of Article 142 powers may introduce checks without compromising flexibility. The recent creation of Vacation Benches in Supreme Court in 2025 is welcome initiative and looks promising but still tendency of Supreme Court to deny urgent hearing of certain matters of larger public concern raises concerns.

8. CRITIQUES AND THE CALL FOR JUDICIAL ACCOUNTABILITY

Judicial accountability remains contested area, especially due to absence of transparent mechanisms for judicial appointments, suo motu jurisdiction, and lack of clear disciplinary procedures. The collegium system, though upheld in *Supreme Court Advocates-on-Record Association v. Union of India*, (2016) 5 SCC 1, has drawn criticism for its opacity and lack of democratic accountability⁵⁶. Justice Lokur has publicly raised concerns about inconsistent standards in case listings and oral directions lacking documented reasoning. The Court's tendency to exercise suo motu powers without guidelines dilutes procedural fairness. In COVID-19 migrant labour crisis, *In Re: Problems and Miseries of Migrant Workers*, (2020) SCC OnLine SC 512, Supreme Court was criticised for delayed intervention and failure to hold executive actions accountable. This raised questions about judicial independence and commitment to rights-based scrutiny⁵⁷. There is growing academic consensus on need to codify usage of extraordinary powers like Article 142. Ranita Jana's paper argues for framework that distinguishes between procedural justice and substantive justice, calling for judicial discretion to be grounded in structured reasoning and precedential consistency⁵⁸. Her proposal includes public disclosure of Article 142 usage metrics and formation of review committee within judiciary to examine outlier judgments. The Law Commission in its 230th Report also recommended mandatory publication of judgments within specified timeframe, citing unreasonable delays in reasoned orders as factor affecting public faith. Judicial reforms must focus not only on external checks but also on internal ethical discipline. Publishing dissenting opinions, expanding access to court records, and formalising appointment procedures will enhance legitimacy. The balance between judicial independence and accountability cannot be tilted disproportionately. Codifying guidelines for judicial recusals, regulating judicial conduct under formal code, and empowering Judicial Standards and Accountability Bill framework

⁵⁴ Chandra, Khosla & Ram Mohan. (2025). *The Supreme Court of India: An Empirical Overview*, Centre for Empirical Legal Research, IIMA.

⁵⁵ *Ibid.*, pp. 12–15.

⁵⁶ *Supreme Court Advocates-on-Record Association v. Union of India*, (2016) 5 SCC 1.

⁵⁷ *In Re: Problems and Miseries of Migrant Workers*, (2020) SCC OnLine SC 512.

⁵⁸ Jana, R. (2022). *A Power, Not Right: Critical Analysis on Article 142*, *Jus Corpus Law Journal*.

could serve as viable reforms. The public's right to reasoned verdict must not be compromised by institutional conventions or bureaucratic silence.

9. CONCLUSION

The Supreme Court's influence over India's constitutional order is unparalleled and historically rooted in both textual authority and jurisprudential innovation. It has emerged as nation's most trusted constitutional organ due to its role in enforcing fundamental rights, checking arbitrary power, and advancing constitutional values. However, this power must remain tempered by discipline and institutional humility. Article 142's use must align with democratic legitimacy, rule of law, and procedural fairness. Transformative constitutionalism should not become license for moral paternalism or governance without accountability. The future of judicial legitimacy lies in transparent procedures, principled adjudication, and consistency in constitutional interpretation. Balancing equity and legality, liberty and order, and discretion and discipline are Court's solemn task in democracy of plural voices and complex problems. A Court that embodies constitutional morality while embracing institutional discipline becomes not just guardian of legality but also enabler of democratic dynamism. Its strength will lie not in frequency of its interventions but in enduring fidelity to Constitution and public trust.

BIBLIOGRAPHY

Research Papers, Articles and Journals

1. Baxi, U. (2013). *Preliminary notes on transformative constitutionalism*. In U. Baxi, F. Viljoen, & O. Vilhena (Eds.), *Transformative constitutionalism* (pp. 39–54). Pretoria University Law Press.
2. Baxi, U., Viljoen, F., & Vilhena, O. (Eds.). (2013). *Transformative constitutionalism*. Pretoria University Law Press.
3. Black's Law Dictionary (11th ed.). (2019). Thomson Reuters.
4. Chandra, A., Hubbard, W. H. J., & Kalantry, S. (2018). *The Supreme Court of India: An empirical overview of the institution*. University of Chicago Law School.
5. Chandra, A., Khosla, M., & Ram Mohan, M. P. (2025). *The Supreme Court of India: An empirical overview*. Centre for Empirical Legal Research, IIM Ahmedabad.
6. Chandrashekar, A. V. (n.d.). *Role of courts in upholding rule of law*. High Court of Karnataka.
7. Chandrashekar, A. V. (2023). Role of courts in upholding the rule of law. *Jus Corpus Law Journal*, 3(2), 12–17.
8. Jana, R. (2022). A power, not a right: Critical analysis on Article 142. *Jus Corpus Law Journal*, 2(3), 65–68.
9. Jaswal, N., & Singh, L. (2017). *Judicial activism in India*. *Bharati Law Review*, Jan–Mar., 1–3.
10. Ram Mohan, M. P., Chandra, A., & Khosla, M. (2025). *The Supreme Court of India's use of inherent power under Article 142: An empirical study*. IIM Ahmedabad.
11. Shankar, S. (2018). India's judiciary: Imperium in imperio? In P. Brass (Ed.), *Routledge handbook of South Asian politics* (pp. 216–225). Routledge.

Judgments & Legal Instruments

1. *Bandhua Mukti Morcha v. Union of India*, AIR 1984 SC 802.
2. *Fertilizer Kamgar Union v. Union of India*, AIR 1981 SC 344.
3. *Indira Nehru Gandhi v. Raj Narain*, (1975) Supp SCC 1.
4. *I.R. Coelho v. State of Tamil Nadu*, (2007) 2 SCC 1.
5. *Jaishri Laxmanrao Patil v. Chief Minister*, (2021) 8 SCC 1.
6. *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461.
7. *M.C. Mehta v. Union of India*, (1987) 1 SCC 395.
8. *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.
9. *Mohd. Siddiq v. Mahant Suresh Das*, (2019) SCC OnLine SC 1440.

10. *Mohammad Siddiq v. Mahant Suresh Das*, (2019) SCC OnLine SC 1440.
11. *Nandini Sundar v. State of Chhattisgarh*, (2011) 7 SCC 547.
12. *Naz Foundation v. Government of NCT of Delhi*, (2009) 160 DLT 277 (Del HC).
13. *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.
14. *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180.
15. *People's Union for Democratic Rights v. Union of India*, (1982) 3 SCC 235.
16. *Prem Chand Garg v. Excise Commissioner*, AIR 1963 SC 996.
17. *Pritam Singh v. The State*, AIR 1950 SC 169.
18. *Ram Mohan, M. P., et al. v. Unknown*, (2025). *The Supreme Court's use of inherent power under Article 142*. IIMA.
19. *Supreme Court Advocates-on-Record Association v. Union of India*, (2016) 5 SCC 1.
20. *Supreme Court Bar Association v. Union of India*, (1998) 4 SCC 409.
21. *S.P. Gupta v. Union of India*, AIR 1982 SC 149.
22. *T.N. Godavarman Thirumulpad v. Union of India*, (1997) 2 SCC 267.
23. *Union Carbide Corporation v. Union of India*, (1991) 4 SCC 584.
24. *Vineet Narain v. Union of India*, (1998) 1 SCC 226.
25. *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.
26. *In Re: Problems and Miseries of Migrant Workers*, (2020) SCC OnLine SC 512.

Statutes & Constitutional Provisions

1. Constitution of India. (1950). Government of India. Articles 14, 21, 32, 136, 141, 142, 144, 227.
2. Supreme Court of India. (2013). Supreme Court Rules, 2013. Government of India, Ministry of Law and Justice. Retrieved from <https://main.sci.gov.in/sites/default/files/scrules2013.pdf>

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