

Doctrine of Laches - UPSC Notes

Legal doctrines and principles are important concepts for the UPSC exam as they help understand how the judicial machinery works in the country. In this article, you can read all about the Doctrine of Laches for the [UPSC exam](#).

Doctrine of Laches

The Doctrine of Laches emanates from the principle that the Courts will not help people who sleep over their rights and helps only those who are aware and vigilant about their rights. A party is said to be guilty of laches when they come to the Court to assert their rights after a considerable delay in that respect.

- With respect to constitutional law, laches refers to the filing of a writ petition, however, unlike the law on limitations there is no specific time period after which a writ petition is barred.
- The underlying principle is that the Court should not examine stale cases, because the Court is to help an individual or party that is vigilant and not indolent.
- The reasons for delay if valid and reasonable are generally accepted because the Court doesn't dismiss petitions only due to delay but only if it is accompanied by other reasons.

Doctrine of Laches - Cases

A few examples of cases that dealt with the Doctrine of Laches are described below.

Trilok Chand Motichand v. H.B. Munshi

In **Trilok Chand Motichand v. H.B. Munshi**, the main question before the Court was whether there is any period of limitation prescribed within which the remedy under Article 32 is to be invoked. The petition, in this case, was filed after a delay of 10 years; the plea was dismissed for delay. The judges who comprised the bench in this case however differed with respect to the time period after which laches should apply.

- Sikri, J., opined that three years will be the proper yardstick for measuring a reasonable time for preferring a writ petition.
- Bachawat, J., put it as one year.
- On the other hand, Justice Hegde suggested that the law on limitation has no application on the proceedings that take place under Article 32 and as such the Court cannot refuse a petition based on delay.
- In this regard, however, Chief Justice Hidayatullah felt that no hard and fast rule should be adopted. He stated that the issue should be dealt with by the Court on a case to case basis.
 - The whole issue is dependent on what the breach of a fundamental right is, what the remedy is and why did the delay in question arise in the first place.
- This view seems to be the most reasonable in this regard because the matter is best left to the discretion of judges and also because the facts and circumstances of one case are never identical to another.
- Moreover, this involves the violation of very basic fundamental rights of individuals and as such needs to be dealt with utmost sensitivity and care.

Gian Singh v. High Court of Punjab and Haryana

In **Gian Singh v. High Court of Punjab and Haryana**, the writ petition was filed by the petitioners eleven years after the date from which they claimed promotions.

- The petitioners argued that during these intervening years they were busy making representations before different authorities regarding their grievances.
- The Court rejected their contentions stating that there were no valid reasons for justifying the delay of eleven years and therefore their petitions were dismissed.

V. Bhasker Rao v. State of Andhra Pradesh

A similar issue arose in **V. Bhasker Rao v. State of Andhra Pradesh**, where the seniority list was published twelve times during eight years showing the petitioner below the respondents but the petitioner never challenged. It was held that he was not entitled to challenge it under Article 32 of the Constitution of India.

Doctrine of Laches Assessment

By now it is well established that the emergence of the doctrine of laches has kept the aggrieved parties on their toes when they demand justice because they are aware that being indifferent towards rights that they can assert can cause them to lose their right to seek remedy forever. The fact however remains that most of the population in India is still unaware of their rights and responsibilities with regard to the delay that occurs to assert their rights. The development of this doctrine over the years has nevertheless paved the way for a mechanism that has rewarded people who are vigilant with regard to their rights while penalising those who cause an unwarranted delay.

The courts over the years have developed certain guidelines to determine whether the delay can be condoned or not. These principles apply to both limitation and laches and have been reiterated in various cases which include *Collector v. Mst. Khatji and ors*, where the court stated:

- In ordinary circumstances, the litigant is not benefited by approaching the Court late.
- Sometimes a matter which is meritorious can be thrown out because of delay but it may defeat the purpose of justice and that has to be considered.
- The doctrine for determining delay must not be exercised in a pedantic manner but in a rational and pragmatic manner.
- Substantive justice should prevail over technical considerations.
- There is no presumption that the delay is deliberate because such a delay hurts the litigant more than anyone else.

The Doctrine of Laches with regard to [fundamental rights](#) garners more importance because these rights guaranteed by the Constitution are basic and inalienable. It would, thus, be safe to say that the Doctrine of Laches is a watchdog of justice in a legal system, which ensures that only the right cases are addressed, and any malice or unrequired delay is properly dealt with due reprimand. Therefore, it can be concluded that the Doctrine of Laches, through the years of its evolution, has eased the tracing of the burden of proof on the plaintiff, simplifying the process of assessing their intent in the entire process, giving a clearer picture of the case that is to be dealt with.

