Fixing Unnecessary Litigation

Why in news?

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- A litigant was stalling an eviction order passed by the Bombay High Court by filing multiple applications with the apex court.
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- The Supreme Court imposed a Rs. 5 lakh penalty on him, coming down hard on frivolous litigation that clogs the judicial process.
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What were the previous attempts to fix unnecessary litigations?

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- According to a recent report, delays in court processes with frivolous litigation costs the country 0.5% of its GDP via lost man-hours, cost of litigation, etc.
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- The Supreme Court in 2010 was of the view of making it compulsory for petitioners to first disclose their credentials and motives to the court's registry before deciding if the PIL could be entertained.
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- It also recommended a compulsorily deposit to be paid as compensation in case a PIL is found to be frivolous.
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- In 2010, the Bombay High Court had ordered the litigating party to pay Rs.40-lakh fine for a similar case.
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- The Calcutta High Court had also ruled that exemplary costs need to be imposed on filers of frivolous litigation.
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- In 2005, the Law Commission proposed a law against unnecessary litigation.
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- Madhya Pradesh, Maharashtra and Tamil Nadu, have enacted such laws.

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- The Madhya Pradesh law provides that the state's advocate general can move the High Court to have a litigant declared 'annoying'.
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- Once the court finds merit in the charge, it will mean that the litigants' ongoing pleas will be dismissed and they will not be allowed to file any criminal or civil proceedings in the High Court or lower courts.
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- Though well intentioned, the above legislation might be misused by governments to check whistle-blower litigants.
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What is the way ahead?

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- Despite the state's laws and court's fines, the frivolous litigations have remained unchecked.
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- So it is the duty of every court to firmly deal with such situations.
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- The imposition of exemplary costs is a necessary instrument.
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- While the media and civil society have to keep monitoring such cases, the Supreme Court should also to also keep an eye on such abuse.
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Source: The Indian Express

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