



RAJASTHAN FINANCIAL CORPORATION

राजस्थान वित्त निगम

Udyog Bhawan, Tilak Marg, Jaipur 302005

Tel: 2385522 Fax: 2385503

Ref.No.RFC/F.Law-3/LPM/11/ 3087

Dated: 18 Dec., 2018

CIRCULAR
(Lit. No. 244)

Sub: **The Rajasthan Vexatious Litigation (Prevention) Act, 2015**

With the spirit to protect the law abiding citizen of the State from vexatious litigation pursued against them a new act namely, "the Rajasthan Vexatious Litigation (Prevention) Act, 2015" has been passed. The main purpose of enacting the law is to prevent a person from instituting or continuing vexatious proceeding habitually and without reasonable ground in the High Courts and subordinate Courts. In this regard some guidelines have been promulgated and circulated by the Law & Legal Affairs Department of the State vide Circular No. F.16(397) Law/ Cell-4/2018 dated 02.11.2018 and it has been directed to follow the prescribed guidelines in dealing with such type of cases under the Rajasthan Vexatious Litigation (Prevention) Act, 2015 (copy enclosed).

In view of above guidelines of the State Govt. the corporation is required to identify such type of borrowers and persons, who are filing baseless cases against the Corporation and creating unnecessary hurdles by misusing the process of law to settle their personal scores. After identifying such type of borrowers/persons and take necessary steps against them under the Act.

According all concerned are directed to strictly follow the directions of the State Govt. so as to prevent the Corporation to face unnecessary litigation and hurdles.

(Handwritten signature)
18/12/2018
(Sandhya Sharma)
Executive Director

Encl: **as above**

Copy to:

1. All BOs/FCs
2. Standard Circulation at HO
3. Manager (MS), RFC, HO for hoisting on website.

4. Every application by the person enumerated under Section 2(1)(a)(b)(c) shall describe him as applicant and the person against whom the application is made as non-applicant.
5. The application shall state the full name of the non-applicant, his occupation, address and the nature of proceedings instituted by him, Civil or Criminal and the Courts in which such proceedings were or are instituted together with their results, if any.
6. The application shall be signed and verified by the Advocate General or by the Registrar General of the High Court or by the person seeking leave of the court, against whom non-applicant has institute or conducted proceeding, Civil or Criminal.
7. The application shall be filed in the High Court and it shall be registered as D.B.Civil Miscellaneous Application.
8. The application shall be accompanied by requisite sets of copies of the * application and other documents for the use of the Court and for non-applicant(s).
9. The application shall be placed before the Division Bench for declaring a person as a vexatious litigant.
10. Unless the Court considers otherwise notice of the application shall be served on the Advocate General in case application is filed by any person referred to in clause (b) or clause (c) of sub-section (1) of Section 2 of the Act and on the non-applicant calling upon him to show cause.
11. The person so served may appear in person or through an Advocate and show cause against the proposed action.
12. On consideration of the material placed before the Court the Court may either reject the application or pass an order for declaration in terms of Section 2(2) of the Act.
13. The order passed under Section 2(2) shall be published in the official Gazette and two daily newspapers printed in Hindi and English published in Rajasthan having a good circulations and shall be circulated to such Courts as the Court may direct.
14. The Judge or Magistrate who receives a copy of an order made under sub-section (2) of Section 2 shall enter it in a Register to be kept for that purpose.
15. A person against whom an order of declaration under Section 2(2) has been made may apply for leave to institute or continue the proceedings-
 - (i) If the proceedings proposed to be filed or continued in the High Court to the Division Bench of the High Court.
 - (ii) If the proceedings proposed to be filed or continued by the person declared as a vexations litigant in any Court subordinate to the High Court to the District and Session Judge of the Judgeship concerned.
16. (a) Every application for leave to institute a proceeding by a person against whom an order of declaration under Section 2(2) is made shall be accompanied by the requisite number of the copies of the application for leave and of the intended plaint or a proceeding and copies of the documents on which the applicant wants to rely.
(b) In every such application the Advocate General or the Registrar General or the person against whom the proceeding is to be instituted or continued as the case may be shall be impleaded as non-applicant.
17. On Consideration of the material placed the appropriate Court may either grant the leave for pass any appropriate order as per the circumstance of the case.
18. In computing the period of limitation prescribed for any suit appeal or proceeding in any case where an application for leave to institute the proceedings has been made and allowed the time during which the applicant has been proceeding his application for such leave shall be excluded.
19. The person making an application under the Act shall pay requisite fees.
20. Every order of costs passed on the application shall be executable as a decree in the manner provided in the Code of Civil Procedure.

You are therefore requested to follow the above mentioned guidelines in dealing with the cases under the Rajasthan Vexatious Litigation (Prevention) Act, 2015 and inform about it to your subordinate offices.

(Chanchal Mishra)
Secretary, Law

Copy forwarded to the following for information and necessary action :-

1. PS to Registrar General, Rajasthan High Court, Jodhpur
2. OSD to Law Minister, Government of Rajasthan
3. PS to State Law Minister, Government of Rajasthan
4. PS to Chief Secretary, Government of Rajasthan
5. Guard file.

(Jagmohan Sharma)
Special Secretary, Law

1.5
2.11.18

GOVERNMENT OF RAJASTHAN
Law & Legal Affairs Department

2 NOV 2018

File No.F.16(397)Law/Cell-4/2018

Jaipur, Dated

Advocate General/All Addl.Chief Secretaries /
All Pr.Secretaries/All Secretaries/
All Addl.Advocate Generals/
Government Advocates/Govt.Counsels/
Rajasthan High Court,Jodhpur/Jaipur,
All District Magistrates.

कार्यालय सचिव (सुप-1) विभाग
जयपुर
4230
06/11/18

Circular

We all know that mounting of arrears of cases in Courts, particularly in High Courts and District Courts, has been a cause of great concern for litigant as well as for the State.

Therefore, The Rajasthan Vexatious Litigation (Prevention) Act, 2015 has been passed to prevent the institution or continuance of vexatious proceeding, civil and criminal in the High Court and subordinate courts. Rajasthan has become the 5th State to pass such an Act. The provisions of the Act will certainly protect the law abiding citizen of the State from vexatious litigation pursued against them.

Vexatious litigation means filing baseless cases and misuse of the process of law to settle personal scores, besides harassing the innocent people. The Law Commission in its 192nd report has also recommended that suitable law should be enacted to curb the vexatious litigation. The main purpose of enacting the law on the subject is to prevent a person from instituting or continuing vexatious proceeding habitually and without reasonable ground in the High Courts and subordinate Courts.

Since this is a new Act and the nodal department for this Act is Law Department and as such am directed to circulate an explanatory note on how action is to be instituted against vexatious proceedings.

Overview of the Act :-

1. Forum:-

An application for declaring a person as vexations litigant maybe filed before the High Court and shall be heard and decided by a Division Bench.

The order, declaring a person as vexatious litigant shall be published in the official Gazette & may also be published in such other manner as the High Court may direct.

2. Who can file the application

(i) Advocate General; or

(ii) Registrar General of the High Court; or

(iii) Any person, with the leave of the High Court against whom any civil and criminal proceedings have been instituted or continued.

3. Effect of declaring a person Vexatious Litigant:-

When a person has been declared as a vexatious litigant, he cannot institute or continue any civil or criminal proceedings in the High Court or Subordinate Courts, without obtaining the leave of the Court or Judge where he intends to institute or continue such proceedings.

If such person files or continues any civil or criminal proceeding without obtaining the leave of the Court or Judge (as the case may be) such proceedings shall be liable to be dismissed and such person shall also be liable to pay cost. *

A meeting was organised under the chairmanship of Chief Secretary in connection with implementation of Rajasthan Vexatious Litigation (Prevention) Act, 2015. The following decisions were taken in the meeting:-

(i) The Law Department should appoint nodal officer within the Law Department to deal with cases received from various departments for being forwarded to the Advocate General.

(ii) The case of Government department in the field will initially be processed and recommended by the District Collectors to the concerned Administrative Department. The functionaries of various Departments in the district will put up such cases for the consideration of the Collector.

(iii) The Administrative Departments will process cases received from Collector, or their field functionaries for being moved to the Law Department.

(iv) The Law Department will on receipt of such cases from Administrative Departments, send them over to the Advocate General for filing an application before the Hon'ble High Court.

For the effective implementation of the Act, The Rajasthan Vexatious Litigation (Prevention) Rules, 2017 has been promulgated which are reproduced here as under:-

1. These Rules may be cited as "The Rajasthan Vexatious Litigation (Prevention) Rules, 2017".

2. They shall come into force from the date of their publication in the official Gazette.

3. In these Rules unless the context or subject matter otherwise requires 'The Act' means the Rajasthan Vexatious Litigation (Prevention) Act, 2015. *

Sh. N.K./JLO
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06/11/18

MD 568
16/11/18

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15/11

अति-आवश्यक

राजस्थान सरकार
उद्योग (ग्रुप-1) विभाग

क्रमांक:- प.7(56)उद्योग/1/2013/पार्ट

जयपुर, दिनांक: 15 NOV 2018

1. प्रबन्ध निदेशक, रीको लि0, जयपुर।
2. आयुक्त, उद्योग, विभाग, जयपुर।
3. आयुक्त, बी.आई.पी., जयपुर।
4. प्रबन्ध निदेशक, राजस्थान वित्त निगम, जयपुर।

BD
Manu(Yc) Law

विषय:- The Rajasthan Vexatious litigation (Prevention) Act, 2015 के संबंध में।

संदर्भ:- विधि एवं विधिक कार्य विभाग के परिपत्र क्रमांक एफ. 16 (397)विधि /सेल-4/2018

16 NOV 2018

संदर्भ:-
उपरोक्त विषयान्तर्गत विधि एवं विधिक कार्य विभाग से प्राप्त संदर्भित परिपत्र की प्रति संलग्न कर निर्देशानुसार निवेदन है कि The Rajasthan Vexatious litigation (Prevention) Act, 2015 के अन्तर्गत की जाने वाली कार्यवाहियों में उक्त परिपत्र की पालना सुनिश्चित करावे।

संलग्न:- उपरोक्तानुसार।

भवदीया,

(नीतू बाकुवाल)
शासन उप सचिव

M(Law)

19/11

Law-1830
16-11-18