

THE RAJASTHAN VEXATIOUS LITIGATION (PREVENTION) ACT, 2015

(Act No. 36 of 2015)

[Received the assent of the Governor on the 15th day of October, 2015]

An

Act

to prevent the institution or continuance of vexatious proceedings, civil and criminal, in the High Court and Courts subordinate thereto.

Whereas, it is expedient to prevent the institution or continuance of vexatious proceedings, civil and criminal, in the High Court and in the courts subordinate to the High Court;

Be it enacted by the Rajasthan State Legislature in the Sixty-sixth Year of the Republic of India as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Rajasthan Vexatious Litigation (Prevention) Act, 2015.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Declaration of a person as a vexatious litigant.- (1) An application for declaring a person as a vexatious litigant may be filed before the High Court –

(a) by the Advocate General; or

(b) by the Registrar General of the High Court; or

(c) with the leave of the High Court, by a person against whom another person has instituted or conducted proceedings, civil or criminal.

(2) If, on an application filed under sub-section (1), the High Court is satisfied that any person has habitually and without any reasonable ground instituted vexatious proceedings, civil or criminal, in any court whether against the same person or against different persons, the High Court may, after giving the person who has instituted such proceedings, an opportunity of being heard, declare that person as a vexatious litigant.

(3) When an application is filed by any person referred to in clause (b) or clause (c) of sub-section (1), the Advocate General shall also be heard on the application.

(4) Application filed under sub-section (1) shall be heard and decided by a Division Bench of the High Court.

3. Leave of Court necessary for vexatious litigant to institute or continue any civil or criminal proceedings.- (1) Subject to the provisions of sub-section (2), when the High Court declares a person as a vexatious litigant under sub-section (2) of section 2, it shall also order that—

(a) no proceedings, civil or criminal, shall be instituted by the said person in the High Court or any other court subordinate to the High Court; and

(b) no proceedings, civil or criminal, if already instituted by the said person in the High Court or any other court subordinate to the High Court, shall be continued by him,

without obtaining leave of the appropriate Court or the appropriate Judge.

(2) It shall not be necessary for the person declared as a vexatious litigant to obtain leave in the following cases:-

- (a) where such person is instituting a proceeding in the appropriate Court or before appropriate Judge for the purpose of obtaining leave;
- (b) where, in any matter instituted against him, such person proposes to file or take appropriate proceedings to defend himself;
- (c) where, in a proceeding instituted or continued by such person after obtaining leave from the appropriate Court or the appropriate Judge, the said person proposes to file or take appropriate further proceedings.

(3) Leave shall not be granted unless the appropriate Court or the appropriate Judge, as the case may be, is satisfied that the proceedings are not an abuse of the process of the Court and that there is *prima facie* ground in the proceedings proposed to be instituted or continued by the person declared as a vexatious litigant.

Explanation.- In this section and section 5, -

(a) the “appropriate Court or appropriate Judge” means –

- (i) the High Court, in the case of a proceeding proposed to be filed or continued by the person declared as a vexatious litigant in the High Court;
- (ii) the District and Sessions Judge, in the case of proceeding proposed to be filed or continued by the person declared as a vexatious litigant in any other Court subordinate to the High Court;

(b) “institution or continuation of criminal proceedings” means the commencement or institution or continuation of a proceeding seeking prosecution by filing a complaint before a Criminal Court;

(c) institution or continuation of civil or criminal proceedings does not include proceedings instituted or continued under Article 226 of the Constitution of India.

4. Publication and Communication of Order.- (1) A copy of every order made under sub-section (1) of section 3 shall be published in the Official Gazette and may also be published in such other manner as the High Court may direct.

(2) Every order referred in sub-section (1) shall also be communicated to all the courts subordinate to the High Court in such other manner as the High Court may direct.

5. Proceedings, civil or criminal, instituted or continued without leave of the appropriate Court to be dismissed and other consequences.- (1) Any proceedings, civil or criminal, instituted or continued in any court by a person against whom an order under sub-section (1) of section 3 has been made, without obtaining the leave referred to in that sub-section, shall be dismissed by the said court.

(2) While dismissing the proceedings under sub-section (1), the court shall also direct such vexatious litigant to pay costs.

6. Power to make Rules.- The High Court may make rules for the purpose of implementing the provisions of this Act.

7. Saving.- The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law providing for striking out vexatious pleadings or prevention of abuse of process of law, or which require consent, sanction or approval in any form of any other authority for the institution or continuance of any civil or criminal proceeding.
