

NOTIFICATION

In exercise of the powers vested in them under Article 227 read with Article 235 of the Constitution of India and all other powers enabling them in this behalf, the Hon'ble the Chief Justice and the Judges of the High Court of Himachal Pradesh are pleased to make the following Rules governing the allotment of Chambers to lawyers in the premises of the Subordinate Courts.

Short title
and
commencement.

1.(a) These Rules shall be called "The Himachal Pradesh Subordinate Courts Lawyers Chambers (Allotment and Licence Fee) Rules, 1989" .

(b) They shall ~~be~~ come into force with immediate effect.

Definitions.

2. Unless there is anything repugnant to the subject or context in these rules -

(a) 'Advocate' means an Advocate entered in any roll under the provisions of the Advocates' Act, 1961 and ordinarily practising in the Subordinate Courts.

(b) 'Bar Association' means Bar Association of the District/Tehsil concerned.

(c) 'Chief Justice' means the Chief Justice of the High Court of Himachal Pradesh.

(d) 'District and Sessions Judge' means the District and Sessions Judge of the Civil & Sessions Division concerned and in his absence the senior most Additional District & Sessions Judge, if any.

(e) 'Registrar' means the Registrar of the High Court of Himachal Pradesh and includes the Registrar (Vigilance).

(f) 'Subordinate Court' means a Court of original Civil and Criminal Jurisdiction established under the provisions of the H.P. Courts Act, 1976 and the Code of Criminal Procedure, 1973 and will include the Court of District and Sessions Judge/Additional District and Sessions Judge.

Committee.

3(i) There shall be a Committee for the purpose of allotment of Chambers.

(ii) The Committee shall consist of the following members:-

a) District & Sessions Judge; (Chairman).

b) Senior Sub Judge of the District concerned; (Member - Secretary).

c) President of the Bar Association or his nominee; (Member).

Eligibility.

4. Only those Advocates practising in the Subordinate Courts having an experience of minimum 5 years at the Bar and who are Members of the Bar Association, shall be considered eligible for allotment of Chambers under the rules.

Mode of allotment.

5.(i) Advocates desirous of occupying a lawyers' Chambers in the premises of the Subordinate Court shall make an application to the District and Sessions Judge through the President of the Bar Association in the prescribed Form (Annexure-A). The application shall be placed before the Committee.

(ii) The Committee, after scrutiny of the applications received, shall draw a lot for the purpose of allotment of Chambers. One Chamber may be allotted to more than one Advocate.

(iii) Notwithstanding anything contained in Sub-rule (i) and (ii) above, the Committee may allot a Chamber to an Advocate, who is physically handicapped or is otherwise deserving.

(iv) Out of eligible Advocates father/mother and son/daughter or husband or wife and a firm of Advocates would be eligible for allotment of only one chamber.

Provided always that the Committee may, in appropriate cases, relax the bar in case of otherwise eligible Advocates.

Security deposit,
Licence fee and
other charges.

6.(i) The allottee before occupying the Chamber shall deposit with the District and Sessions Judge, Senior Sub Judge or Sub Judge, as the case may be, in cash a sum of Rs.2,000/- only as security deposit for the due fulfilment and performance by him of the terms and conditions herein contained, provided the District & Sessions Judge, Senior Sub Judge or Sub Judge, as the case may be, may accept in lieu thereof deposit-receipt issued by a scheduled bank duly endorsed in his favour. In the event of the allottees' committing any breach of the terms and conditions herein contained and /or on his part to be observed /performed, the District & Sessions Judge, Senior Sub Judge or Sub Judge, as the case may be, without prejudice to the other rights and remedies, will be entitled to forfeit the security or any part thereof; and in such an event he (allottee) shall pay such additional sum immediately as may be called upon by the District & Sessions Judge, Senior Sub Judge, or Sub Judge, as the case

may be, to pay so that the security deposit shall at all times, during the continuance of the allotment, be the abovesaid sum.

(ii) On the expiration or earlier termination of licence or when the allottee ceases to be in *possession of the chambers*, the District and Sessions Judge, Senior Sub Judge or Sub Judge, as the case may be, shall return the security deposit or part thereof as aforesaid;

(iii) The licence fee for each chamber shall be as may be assessed by the H.P. P.W.D. from time to time which shall be exclusive of electricity, water charges for common services and other charges, if any;

(iv) The licence fee and other charges shall also be payable for the period during which the subordinate Courts remain closed;

(v) No allottee shall be permitted to be in arrears of licence fee for a period exceeding three months in which eventuality the allotment shall stand automatically cancelled.

(vi) In addition to the monthly licence fee, the allottee shall be liable to pay the electricity charges as per ser rate electric-meter to be provided at the expenses of the allottee for electricity consumption. The ~~payment~~ ^{payment} of electricity charges will be made by the allottee directly to electricity office. water and scavenging charges, charges for common services and other charges are to be paid separately at a rate to be worked out by the Committee so as not to exceed B.100/-per month,

(vii) The Licence fee and all other charges except electricity charges for each month shall be payable in advance by the seventh day of that month in cash or by a crossed cheque drawn on a local bank in favour of the District & Sessions Judge, Senior Sub Judge or Sub Judge, where there is no District and Sessions Judge, as the case may be.

(viii) In case of allotment of chamber to more than one Advocate, liability to pay the licence fee and other charges shall be joint and several.

Allotment when to be effective. 7. The allotment shall be effective from the date on which the Chamber is allotted for occupation pursuant to an order of allotment. If the Chamber is not occupied within a period of fifteen days from allotment, the allotment shall be cancelled.

Allotment not to confer any tenancy, sub-tenancy, lease title, interest etc. in favour of allottee. 8. The allotment shall in no event operate, nor shall be construed so to create or grant any lease, tenancy, or any right, title or interest into or upon the Chamber in favour of the allottee. The allottee shall, in no circumstance claim or plead any right to tenancy or sub-tenancy, lease or sub-lease in regard to the Chamber or any right other than that of a bare user.

Termination of allotment. 9. The allotment shall terminate:-
(a) on its cancellation by the Committee; or
(b) on its surrender by the allottee concerned; or
(c) on the allottee's ceasing to be a member of the Bar Association; or
(d) on the allottee's name being removed from the roll of Bar Council; or

Duties of
allottees.

(e) on death of the allottee.

10.(i) The allottee shall use the Chamber only as a Lawyer's office and for no other purpose whatsoever.

(ii) The allottee shall not part with, in any manner the user and consequent occupation of possession of the premises to any other person or grant any special user or licence to any person or to transfer or assign the whole or any part of the Chamber in favour of any other person. It is expressly intended and meant that the permission given hereunder can and shall in no event be assignable, or transferable in any form, device, method or arrangement.

(iii) The allottee shall not make any structural additions or alterations in the Chamber without the consent in writing of the District & Sessions Judge.

(iv) The allottee shall, during the currency of the allotment, be responsible for the proper up-keep and maintenance of the Chamber.

(v) The allottee shall, during the pendency of the allotment, be responsible for any damage caused to the Chamber or to the services provided therein beyond usual wear and tear and act of God.

(vi) No such allottee shall use his Chamber before 8 a.m. and / or after 8 p. m. on any day except with the permission of the District and Sessions Judge, Senior Sub Judge or the Sub Judge, where there is no District and Sessions Judge, as the case may be. No body shall be permitted to stay in the Chamber for the night.

(vii) The allottee shall not cause or permit to be caused any damage to the Chamber or to the main building

or any part thereof.

(viii) The allottee shall indemnify the Government against any loss or claim preferred against him/it by third parties as a result of acts of commissions and commissions by the allottee or his agent(s).

(ix) The allottee shall not conduct himself in a manner which is a nuisance and which causes annoyance to any adjoining or neighbouring allottee.

(x) The allottee shall not impede in any way the officers, servants or agents of the Subordinate Court in the exercise by them of the Court's right in possession and control of the Chambers and in particular shall give reasonable assistance and facility to such officers, servants or agents for the general up-keep and maintenance of the lay-out, decoration, fittings and fixture of the Chambers.

(xi) An allottee shall not instal in the Chambers any additional **electric** appliances without the prior permission in writing of the District and Sessions Judge or his nominee.

Provided that the District and Sessions Judge or his nominee may grant permission to an allottee to instal and use in the Chamber any additional electric appliances in addition to one fan, air conditioner or one electric heater on such conditions as may be determined by him.

(xii) The allottee shall not use or permit the use of Radio, Television, Tape-recorder, record player and that of alcoholic drinks in any form in the chamber or even in the Chamber Complex, nor will be allow playing of cards in any form.

Consequences
of allottee's
failure to
perform terms
and conditions
of the rules.

11. If the allottee at any time, fails or neglects to perform and observe any of the terms and conditions of the rules herein contained, and on his part to be observed and performed, then in any such case, or for any reason whatsoever, the Committee may, without prejudice to other rights and remedies, by giving fifteen days' notice in writing to him, determine the licence and the allottee shall, upon such determination, make over vacant possession of the Chamber without any right to compensation whatsoever and without any let or hindrance.

Control.

12. The Administrative control of the Lawyers' Chambers shall vest in the District and Sessions Judge.

Control.

13.(i) In case of an Advocate being aggrieved by any decision/ order of the Committee and / or the District & Sessions Judge, Senior Sub Judge or Sub Judge, as the case may be, in respect of any subject matter of these rules, an appeal shall lie to the Hon'ble Chief Justice against such decision within a period of 30 days from the date of the impugned decision/order.

Provided that the period spent for obtaining a copy of the order, if applied for within limitation, shall be excluded for the purpose of computing the period of limitation.

(ii) Immediately on receipt of the appeal, the Registrar shall call for the entire original record concerning the decision/order of the Committee and/or

the District and Sessions Judge, Senior Sub Judge or Sub Judge, as the case may be, which shall be placed before the Hon'ble Chief Justice for perusal and orders.

(iii) The decision of the Hon'ble the Chief Justice on the appeal preferred under sub-rule (i) above shall be final and it shall not be open to challenge in any Court.

Amendments
of the
rules.

14. The Hon'ble the Chief Justice and the Judges may, from time to time, make amendments and additions to these rules as may be considered necessary.

Interpretation: interpretation of any of these rules, the ~~decision~~ of the Hon'ble Chief Justice shall be final.

Residuary
Powers.

16. Nothing in these rules shall be deemed to affect the powers of the Hon'ble the Chief Justice and the Judges to make such order and amend the rules from time to time as they may deem fit in regard to all matters forming part of subject matter of these rules and all matters incidental or ancillary thereto not specifically provided for therein or in regard to matters as have been provided for or have not been sufficiently provided for herein.

By ORDER


(M.R. Verma)
REGISTRAR


HIGH COURT OF HIMACHAL PRADESH,
SHIMLA

Endt. No. HHC. Rules. 22(36)/35-

Dated Shimla the
22nd July, 1988

Copy forwarded to:-

1. All the Distt./Sub Distt. & Sessions Judges in H.P.
2. All the Senior Sub Judges-cum- Chief Judicial Magistrates/Sub Judges-cum- Judicial Magistrates in H.P.
3. Presidents of the District/Sub Divisional Bar Associations in H.P.
4. All the Readers/Private Secretaries to the Hon'ble the Chief Justice & Judges of the High Court of H.P.
5. All the Supdts. of High Court of H.P.
6. P.A.s/ stenographers to the Registrars/ Adl. Registrars/Dy. Registrars/Asstt. Registrars High Court of H.P.
7. Librarian, High Court of H.P. (with ten spare copies).
8. The Editor J.L.B. (Himachal Series) for information.
9. The Controller Printing & Stationery, to the Govt. of H.P. for publication in the H.P. Register.
10. Guard file.


(D.D. Sharma)

Dy. Registrar (Rules)

