

## HIGH COURT OF UTTARAKHAND, NAINITAL

1. **Short title** – (1) This Rules may be called “The Uttarakhand High Court Advocates Chambers Allotment and Occupancy Rules, 2008”.

(2) These shall come into force with immediate effect.

2. With respect to all the Chambers, the High Court of Uttarakhand shall be the ‘licensor’ and each individual Advocate, to whom the Chamber has been allotted, along with other allottees of the same Chamber, shall be the ‘licensee’.

3. Allotment of Chambers to the Advocates shall be made by the Registrar General, in the name of the Chief Justice. For deciding the issue of allotment, either at the beginning or at intermediary stages, the Chief Justice may either constitute a Standing, Permanent Committee for this purpose or a Committee from time to time as the need arises.

4. **Eligibility for allotment** – (a) Each Chamber shall be allotted to four Advocates. The four allottees of the Chambers shall jointly occupy the Chamber, each allottee in his / her individual right. The four allottees shall make their own arrangements so as to ensure that the Chamber is used at its optimum level, at the individual convenience of the allottees and without causing any nuisance or disturbance to any other allottee.

(b) The Chambers shall be allotted to the Advocates subject to their fulfilling the following eligibility criteria:-

- (i) The applicant should be a member of Uttarakhand High Court Bar Association.
- (ii) The applicant should also be a member of Uttarakhand State Bar Council. If the applicant, at the time of submitting his application for allotment, is not a member of Uttarakhand State Bar Council, he may be provisionally allotted the Chamber subject to the condition that he submits a separate written undertaking along with application for allotment that he has applied for being enrolled as a member of Uttarakhand State Bar Council either as a new member or on transfer. Subject to this condition being fulfilled, the provisional allotment made in his favour shall be valid for six months only. At the expiry of six months' period, the allotment shall be validated and confirmed, if, in the meanwhile, the applicant / allottee has been enrolled as a member of Uttarakhand State Bar Council or his name has been transferred on the rolls of the Uttarakhand State Bar Council, as the case may be. If, however, either of the aforesaid does not happen within the aforesaid period of six months, the provisional allotment shall stand cancelled immediately at the expiry of six months' period, in which event, the allottee shall surrender the possession of the Chamber by vacating the same.

In the undertaking, to be separately filed along with the application with respect to the enrolment in Uttarakhand State Bar Council, the allottee shall also specifically state that on the aforesaid contingency happening, he shall surrender the possession and vacate the Chamber.

5. Chamber shall not be allotted to a person, who already is in possession of a Chamber, either allotted to him or otherwise, elsewhere in the State of Uttarakhand (other than Nainital town) or in the High Court premises at Allahabad or Lucknow. If, at any point of time, it is found or discovered that a statement, with respect to the applicant not having a Chamber elsewhere in Uttarakhand or in Allahabad or Lucknow, is false, the allotment shall be cancelled, whereupon the allottee shall surrender the possession and vacate the Chamber.

6. Each prospective applicant has to fill-up the application for allotment in the prescribed format. Along with the application, the following have to be attached:

- (i) A demand draft for Rs. 5,000/- favouring Registrar General, Uttarakhand High Court, payable at Nainital.
- (ii) A certificate, jointly signed by the President and Secretary, Uttarakhand High Court Bar Association, certifying therein that the applicant is a member of Uttarakhand High Court Bar Association and regularly, in ordinary course, practises in Uttarakhand High Court at Nainital.

7. If the number of applicants is more than the number of Chambers x 4, the allotment shall be made in order of preference on the basis of the seniority as per the date of enrolment as Advocates.

8. High Court of Uttarakhand shall not, in any manner, be concerned with or responsible for installation or the maintenance of electricity connection in the Chambers. The installation and maintenance of electricity connection and supply shall be the responsibility of Uttarakhand High Court Bar Association. It shall be up to the Association to decide whether to obtain a single connection and distribute it in the Chambers or to obtain individual connections for all the Chambers. In any event, the Association alone shall be responsible to ensure about the installation of electricity connection, supply of electricity and payment of all electric dues. Any disconnection of electricity supply on account of non-payment of electricity dues shall be attributable to the aforesaid consumers and shall not be any responsibility of the High Court of Uttarakhand.

9. Every allottee of the Chamber shall pay license fee per month at the following rates:

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|-----------------------------|---|---------------------|
| Designated Senior Advocates | : | Rs. 300/- per month |
| All other Advocates         | : | Rs. 150/- per month |

10. With respect to all the matters and affairs concerning the allotment, occupation and maintenance of Chambers, also relating to cancellation, the deposit of license fee etc. etc. and all ancillary and other matters connected therewith, a separate, special Cell shall be constituted in the High Court, composition whereof shall be intimated by a special notification / order to be issued by the Registrar General and communicated to the President, Uttarakhand High Court Bar Association. The license fee, monthly, quarterly or even annually, may be deposited by the allottees either in cash or through cheques in the said Cell. This Cell shall be always providing assistance also to the allottees in all the aforesaid matters.

11. After allotment decision is made and the names of allottees decided, the Registrar General shall communicate the list of allottees to the President of the Uttarakhand High Court Bar Association. Within two weeks from the date of such communication, each individual allottee has to execute the License Deed in accordance with the prescribed format. Without the execution of the License Deed, the allotment order shall not become effective nor shall the allottee be permitted to occupy the Chamber.

12. Uttarakhand High Court Bar Association shall itself decide the groups of four allottee Advocates, who shall be occupying the Chambers as also the particular numbers of Chambers to be occupied by these groups of four allottee Advocates. This shall facilitate the process of allotment of four like minded allottee Advocates occupying the same Chamber and shall obliterate any unnecessary and avoidable irritant in this behalf. If, however, the Bar Association, in some cases, fails to decide about the names of four Advocates to occupy one Chamber, it may even decide the names of three Advocates, the fourth name to be decided by the High Court. If, however, the Bar Association fails to decide about the groups of four Advocates for all the Chambers, for the remaining Chambers, the High Court shall decide the groups of four Advocates occupying each Chamber, which decision shall be final and binding on the allottee Advocates.

13. **Cancellation of allotment** – The allotment of the Chamber to any allottee, either before occupation or after occupation, is liable to be cancelled on anyone of the following reasons and grounds:

- (i) If the allottee fails to pay the license fee by the 15<sup>th</sup> day of any succeeding month.
- (ii) If the allottee commits any breach of the Terms and Conditions of Allotment.
- (iii) If the allottee ceases to be a practising Advocate on account of any reason whatsoever.

The allotment shall also come to an end in the event of the death of the allottee. On such happening, the vacancy in allotment shall be filled-up by making allotment in order of seniority to the wait-listed candidates, but preference shall be given to the legal heir of the allottee, if such legal heir is a practising Advocate in the High Court of Uttarakhand at Nainital.

14. **Conditions to be observed with respect to the use and occupation of the Chambers –**

- (i) No allottee shall transfer, assign or sublet the Chamber or its possession in favour of any third party.
- (ii) The Chamber shall not be used for any purpose other than the discharge of professional obligations as an Advocate.
- (iii) No construction or alteration in the Chamber shall be permitted except fixing of furniture and fixtures.
- (iv) If any damage occurs to the construction or the building of the Chamber, it shall be the responsibility of the allottees, who may be asked to either rectify the damage or to pay the cost thereof.
- (v) The Chambers having sanctity attached as part of the judicial institution, it is expected that no nefarious, undesirable or unsocial activity of any type shall be carried out in the Chambers at any time. In particular, it is mentioned that no activity relating to drinking, gambling, including playing cards in any manner, use of any drugs of any type shall be permitted in the Chambers. Every allottee is expected to

maintain the sanctity of the Chambers as well as the decorum of the place.

- (vi) For ensuring that the Chambers are used in a conducive, congenial and sanctimonious manner, the High Court of Uttarakhand reserves to itself the right of surprise inspection of the Chambers through officers nominated by the Chief Justice. If it is found, at any time during the course of any surprise inspection, that any of the aforesaid nefarious or undesirable activity is being carried out in any Chamber, the Chief Justice may order the immediate eviction of the allottees and the closer of the Chamber and may, ultimately, take a final decision about the cancellation of the allotment after affording opportunity of hearing to the concerned parties.
- (vii) The Chambers shall remain open for use, on all days, between 8:00 a.m. to 9:00 p.m.
- (viii) The High Court of Uttarakhand, being a No Smoking zone, smoking shall not be permitted in the Chambers.
- (ix) On determination or termination of the license, the allottee shall surrender possession and vacate the Chamber within one week. If he fails to do so, apart from taking steps by the High Court for evicting the allottee, the allottee shall be paying penal rent at the rate of Rs. 100/- per day for the period he occupies the Chamber after the determination or termination of the license.

15. If, at any time, any allottee desires that he be shifted from one Chamber to another, based upon the principle of mutuality, the High Court may permit the interchange of Chambers between two allottees.

16. **Security** – The security amount shall be kept in deposit and lie with the High Court until the occupation of the allottee in the Chamber continues. This amount, however, shall be refunded to the allottee or his nominated legal heir, without any interest, if either the allotment under these Rules is cancelled or in the event of the death of the allottee.

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