

Rohini District Courts Lawyers' Chambers (Allotment and Occupancy) Rules, 2011

PART A (GENERAL RULES)

(1) These Rules shall be called the Rohini District Courts Lawyer Chambers (Allotment and Occupancy) Rules, 2011.

(2) It shall come into force with effect from 8-12-2011 as duly approved by the Hon'ble High Court of Delhi vide Communication No. 33007/DHC/Genl-II/BMCC (Rohini Courts) dated 8-12-2011.

(3) These Rules shall be applicable to 498 chambers existing in 15 storeyed lawyers chambers block constructed for use of lawyers for their office purpose in the Rohini District Court Complex, each having approximate area of 2.83×4.87 meter and shall deal with its allotment and occupancy procedure, license and other terms and conditions etc.

(4) The chambers shall be the property of the Government of National Capital Territory of Delhi and completely under the supervision and control of the District Judge (North-West), Rohini Courts, Delhi.

PART B (ALLOTMENT COMMITTEE)

(5) The Allotment Committee shall comprise of the District Judge (North-West) who shall be the Chairperson of the Committee, Senior most Additional District and Sessions Judge and any such Judicial Officer(s) posted at Rohini District Courts as District Judge (North-West) may deem fit. The President and Honorary Secretary of the Rohini District Court Bar Association shall also be the members of the Committee.

(6) The District Judge (North-West) is also authorised to join any person or representative of any institution or agency in the Committee as and when considered necessary for specific purpose.

(7) The decision of Allotment Committee shall be taken by way of general consensus or by common majority but in case of any difference of opinion, the decision of the District Judge (North-West) shall be final.

(8) If any question arises as to the interpretation of these Rules, the decision of the District Judge (North-West) shall be final and binding and it shall not be called in question by any allottee or member of the Committee.

(9) The District Judge (North-West) may from time to time in consultation with the Allotment Committee make such amendments and additions to these Rules, as

may be necessary and expedient, prospectively or retrospectively, as the case may be.

PART C

(AVAILABILITY OF CHAMBERS)

(10) The initial allotment shall be in respect of existing chambers on double occupancy/twin sharing basis for non-reserved category as decided by the Allotment Committee. In future, the allotment of chambers in case of new construction or availability of the existing chambers for non-reserved category shall be in accordance with the seniority list of eligible advocates as per rules.

PART D

(ELIGIBILITY OF ADVOCATES)

(11) The advocates fulfilling all of the following conditions shall be eligible for consideration for allotment of chambers—

- (a) The advocate must be enrolled with the Bar Council of Delhi and must be a member of Rohini District Courts Bar Association (which came into existence with effect from 21-9-2006 after being formed under directions of Delhi High Court after holding elections under the supervision of Delhi Bar Council) on the date of submission of application for allotment of chamber.
- (b) The advocate must be primarily practicing at the Rohini Court Complex and should be permanent resident of National Capital Territory of Delhi.
- (c) The advocate should not have acquired, built or have been allotted in his own name a lawyers' chamber individually or jointly or sharing basis, in any court complex in Delhi including High Court and Supreme Court:

Provided that if the advocate has been allotted or is in possession of a chamber in any other Court Complex, then he shall be eligible to allotment of a chamber in Rohini Courts subject to his/her surrendering the physical possession of the chamber to the concerned District Judge/Registrar or other competent authorized authority of District Court, High Court or Supreme Court as the case may be and on submitting a certificate from the President or the Secretary of that concerned Bar Association confirming the same:

Provided further that there is no dispute of any nature with regard to the chamber so surrendered.

- (d) The advocate shall not be eligible for allotment if his/her father or mother, his/her spouse, son or daughter has been allotted a chamber at same court complex but in highly exceptional circumstance, the Allotment Committee may allot the chamber to such advocate, if he or she is otherwise eligible.
- (e) In case of death of allottee, the Allotment Committee may in its discretion allot the chamber to his father/mother/son/daughter/spouse in his/her place, if applicant is otherwise found eligible as per above rules.

PART E

(PROCEDURE OF ALLOTMENT)

(12) Allotment of chambers shall be made by the District Judge (North-West) on the receipt of application of an eligible advocate on prescribed format supported by copies of necessary documents and on the recommendation of the Allotment Committee. The application form and format can be changed by the Allotment Committee from time to time as per requirements.

(13) The Allotment Committee shall finalise the format of the application form, requirement of documents and license agreement as well as the terms and conditions to be incorporated therein besides other formalities to be completed at the time of submitting application.

(14) The allotment shall be made by the Allotment Committee to the eligible advocates as per the seniority list duly prepared and authenticated by President and Secretary and submitted by the Rohini District Courts Bar Association to the office of District Judge (North-West), Rohini Courts in the following manner:

- (a) The list of successful allottees duly approved by the Allotment Committee shall be handed over to the Rohini Bar Association;
- (b) Rohini Bar Association shall, thereupon, call for preference of a co-allottee for sharing a chamber amongst successful allottees;
- (c) Rohini Bar Association shall submit, within ten days, the list of preferences of co-sharers of chambers, if any, for consideration of allotment of the chambers, on twin sharing basis.
- (d) After completion of all necessary formalities, the Allotment Committee would allot specific chamber numbers against each successful allottee.

(15) The list of members advocates duly signed by President and Secretary and submitted by Rohini District Courts Bar Association shall contain complete details of their date of enrolment with Bar Council of Delhi, date of birth, residential address, date of becoming member of Rohini Bar Association, members who belongs to same family as well as members holding any other chambers in different court complex as per information, if available and other relevant information etc. as desired by Allotment Committee.

(16) The seniority list of all eligible advocates shall be prepared by Rohini Court Bar Association in following manner:

- (a) firstly according to the date of becoming member of the Rohini District Court Bar Association which came into existence on 21-9-2006.
- (b) where two or more than two advocates have become members of the association on the same day, then their seniority shall be determined as per the principle that prior date of enrolment with the Bar Council of Delhi shall attract seniority.
- (c) If the date of enrolment in Bar Council of Delhi is also found the same in case of two or more than two advocates, then the prior date of birth of them shall be taken into consideration to ascertain their seniority.

- (d) if the date of birth is also found the same, then they shall be kept under same seniority and their chance of allotment shall be decided by way of lottery.

PART F

(RESERVED CHAMBERS/SPACE)

(17) Notwithstanding anything contained in these Rules—

- (i) Two percent of the total chambers shall be reserved and kept at the disposal of the District Judge (North-West), Rohini for allotment to eligible and deserving physically challenged and handicapped advocates, preferably up to the third floors;
- (ii) Six percent of the total number of chambers shall be reserved and earmarked for the retired Officers of the Delhi Higher Judicial Service and the Delhi Judicial Service practicing at Rohini District Court, subject to their fulfilment of other eligibility criteria, on twin sharing or individual basis, as per the space availability;
- (iii) Two per cent of the total chambers shall be reserved and kept at the disposal of the District Judge, (North-West), Rohini for the allotment to the Law Department of Central Government, Delhi Government, Statutory Bodies and other agencies on such terms and conditions as may be prescribed.

PART G

(LICENCE FEE AND SECURITY AMOUNT)

(18) Each allottee shall pay the licence fee through demand draft or cash as may be fixed by the District Judge (North-West), Rohini from time to time but it shall not be less than Rs. 500 per month.

Explanation: The licence fee shall be payable also for the period during Court vacations and holidays.

(19) The allottee shall have no right to claim suspension of licence fee in whole or in part for any reason whatsoever.

(20) 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 by cash or by bank draft drawn on a local bank in favour of the District Judge (North-West), Rohini.

(21) Each successful allottee shall be required to deposit a sum of Rs. 5000 as refundable interest free security before taking possession of the chamber through cash or demand draft in the name of District Judge (North-West), Rohini.

PART H

(ELECTRICITY CHARGES)

(22) Each allottee shall also be liable to pay electricity charges as per actual consumption. Allottees of each chamber shall obtain electricity connection from the concerned Electricity Supply Company at their own by completing necessary formalities and the payment of electricity charges will be made directly by them

to the electricity supplier. However, each chamber shall have separate electricity connection.

PART I

(WATER, SEWER, MAINTENANCE AND OTHER CHARGES)

(23) Water, Sewer, Security, Scavenging, Maintenance and other common charges shall also be paid by each allottee at the rate of Rs. 500 per month in advance. Allotment Committee from time to time shall revise it according to situation and circumstances. The full or part payment made under this head shall not be returned in any circumstances even if the allottee surrenders his chamber prior to the expiry of period of one month.

PART J

(RESTRICTION OF USE OF CHAMBER)

(24) The allottee shall use the chamber only as a lawyer's office and for no other purpose whatsoever.

(25) The allottee shall not transfer, assign or part with the possession of the whole or any part of the chamber in favour of any other person. The allotment shall in no event create, nor shall be construed to create, confer or grant any lease or sub-lease, tenancy or sub-tenancy or any right, title or interest in respect of the chamber in favour of the allottee.

(26) An allottee may use his/her chamber between 8:00 a.m. to 9:00 p.m. only on all days. These timings are subject to change by the District Judge (North-West).

(27) The allottee shall not make any structural additions or alteration, or change the doors, windows or the outward appearance of the chamber without the consent in writing of the District Judge (North-West). However with the written approval of Administrative Civil Judge, Rohini Court, the allottee can get the internal portion of his chamber whitewashed or painted. Two allottees of one chamber however can be permitted to make maximum 8 feet high wooden or aluminium partition of the same with approval of Administrative Civil Judge or any other authorised nominee of District Judge (North West) in such a manner that it would not cause inconvenience to anyone and would not cause any structural change or damage to the chamber.

(28) The common area and space where general public has access shall always remain unobstructed and no lawyer or allottee shall put his seat or table space there. The Rohini District Courts Bar Association shall ensure that common space is not obstructed or misused by any of its members.

PART K

(GENERAL DUTIES OF ALLOTTEE)

(29) The allottee shall be under obligation to comply with the terms and conditions of the allotment letter and licence agreement, the rules framed hereunder as well as guidelines and directions given by Allotment Committee from time to time besides other directions issued by District Judge (North-West).

(30) The allottee shall be responsible for the proper upkeep and maintenance of the chamber and in accordance with the applicable regulations, rules or bye-laws and such directions as may be issued by District Judge (North-West) and other Municipal Authorities. All surrounding areas/passages shall be kept free from any obstructions.

(31) The allottee shall not cause any damage to the chamber or to the common area and facilities, including lifts, water coolers, toilets and other fittings and fixtures, etc.

(32) The allottee shall not cause nor permit others present in his chamber to cause any nuisance or annoyance to any other allottee.

(33) The allottee shall not impede in any way the officers, employees or agents of the High Court or the District Judge (North-West), ACJ (North-West), In-charge care-taking Branch in exercise of their right of possession and control of the chambers and shall provide them reasonable assistance for the general upkeep and maintenance of the Lawyers' Chambers building.

PART L

(BREACH OF TERMS OF ALLOTMENT)

(34) The security deposit of Rs. 5000 of each allottee shall be a guarantee of the due fulfilment and performance by him of the terms and conditions of the licence of the allotment of the chamber. In the event of allottee committing any breach of the terms and conditions herein contained the District Judge (North-West) may, without prejudice to other rights and remedies, forfeit the security or any part thereof. In such an event, the allottee shall pay such additional sum immediately as may be called upon by the District Judge (North-West) so that the security deposit shall at all times, during the continuance of the allotment, be equivalent to Rs. 5000. On the expiration or earlier determination of the licence, District Judge (North-West) shall return the security deposit or part thereof which has been forfeited as aforesaid to him without interest.

If the licence fee and other charges which are payable under above rules are not paid continuously for a period of three months, then the licence shall be liable to be automatically cancelled/revoked and the possession of the chamber shall be surrendered by/taken back from the allottee without any prior notice. This will be without prejudice to the right of authorities concerned to recover the outstanding dues in accordance with law.

(35) If the allottee at any time fails or neglects to perform and observe any of the terms and conditions of the rules herein contained or fails to comply with the duties imposed upon him as above, then the District Judge (North-West) on recommendation of the Allotment Committee or otherwise, without prejudice to other rights and remedies, after giving seven days notice in writing to such allottee, determine the licence and the allottee shall, upon such determination, hand over vacant possession of the chamber forthwith.

(36) The allotment shall be effective from the date on which the chamber is made available for occupation pursuant to an order of allotment. If the chamber

is not occupied within a month of the availability, the allotment shall be deemed to be cancelled.

(37) The grounds for cancellation of allotment of chamber of an allottee amongst other grounds would include causing substantial damage to the chamber or any part of the building or any other property of Government or of any other lawyer/allottee or of Bar Association or doing any illegal activity in the chamber or lawyers' chamber complex or subletting or doing major additions/alterations in the chamber without written permission of the authorised nominee that may be nominated by District Judge (North-West) from time to time or any other justified reason.

(38) The allotment shall terminate—

- (a) On its cancellation by District Judge (North-West); or
- (b) On its surrender by the allottee concerned; or
- (c) On the allottee's ceasing to be a member of the Rohini District Court Bar Association; or
- (d) On the allottee's name being removed from the roll of Bar Council of Delhi; or
- (e) On the death of the allottee (subject to rights of Legal Representatives as indicated in clause (e) of Part D)

In that event, the vacant possession of the chamber shall be taken by the Admn. Civil Judge or any other Authorised nominee of District Judge (North-West).

(39) Arrears of licence fee, etc. shall be treated as arrears of land revenue.

PART M

(MISCELLANEOUS RULES)

(40) District Judge (North-West) shall open a saving bank account in his name in any nationalised bank preferably situated in court complex in the name of 'Rohini Courts Lawyers Chambers Block' in which all funds, security deposits, licence fees, etc. are to be deposited and expenses to be incurred. This account shall be operated either by District Judge (North-West) himself or by his duly authorised nominee, a judicial officer of rank of DHJS. This account shall be audited from time to time and yearly statement of account shall be maintained. In order to get the higher rate of interest, the District Judge (North-West), may from time to time make order to get the whole amount or part thereof, lying in this account converted into FDR for such period as he deems fit.

(41) District Judge (North-West) may also post sufficient number of staff including officials of rank of Senior Assistant and Accounts Officer(s) to deal with the accounts and funds and also to maintain proper records.

(42) In case of availability of additional chambers by reason of authorised construction, surrender, vacation, cancellation, termination, etc. the District Judge (North-West) may, on availability of sufficient number of such chambers, consider allotment of these chambers in accordance with approved applicable rules.

(43) District Judge (North-West) may evolve such rules and procedures from time to time, as the exigency may demand for effective and proper management with necessary approval of the Hon'ble High Court of Delhi.

PART N

(USE OF COMMON SPACE/AREAS)

(44) There are certain common areas and spaces in the lawyers' chamber complex including ten rooms measuring about 300 sq feet each shown as meeting halls situated from I to V floors which are to be utilised for the benefit of the lawyers and accordingly, they are being regulated in the following manner:

- (i) Four of the meeting halls may be given for the exclusive use of the Bar Association, two for ladies Bar room and two for use as General Bar Rooms with their respective lockers.
 - (ii) Two meeting halls/rooms may be used for accommodating Oath Commissioners, Notary Public, Typists and Photo copier machines.
 - (iii) One meeting hall/room may be given to the Mediation Cell, Rohini for the use of Advocate/Mediators.
 - (iv) One meeting hall/room may be used for DLSA Advocates.
 - (v) One meeting hall/room may be given to the Care Taking Branch/ACJ Office.
 - (vi) One room may be given to PWD (Civil) for maintenance and upkeep of the Lawyers Chambers. It is noted that for PWD (Electrical) earmarked space is available at ground floor.
 - (vii) In case the crèche space on the ground floor with attached toilet does not get operational immediately, then it may be allowed to be used as Ladies Common Room till the creche is operational.
 - (viii) On the VI and X floor, there are two areas/spaces of approx. 300 sq. feet area each which can be allotted for lunch and recreational purposes for the members of the Bar. This space of 300 sq feet available at 6th floor may be allotted as ladies leisure room and similar space at 10th floor may be allotted as general leisure room for members of Bar for lunch and recreation.
 - (ix) The space assigned for canteen with attached kitchen may be used for this specific purpose.
 - (x) There are three rooms at ground floor with an exclusive corridor. Same may be used as Bar Office of Rohini District Courts Bar Association.
 - (xi) The other areas of common use/utilities, not so specified, may be regulated and used as per directions and approval of the District Judge (North-West).
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