

## HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

### NOTIFICATION

No. 01 Rule Cell

Chandigarh the 09.01.2014

Whereas, the judicial functions in the State of Punjab were separated from the executive functions by the Punjab Separation of Judicial and Executive Functions Act, 1964 and since then the Judicial Courts are functioning separately from the Executive Courts; and

Whereas, at a number of Districts and Tehsil Headquarters, the Judicial Courts are functioning in separate and independent premises and those are termed as purely "Judicial Buildings", vide Serial No. 6 of Para 20.13 of the Book of Financial Powers; and

Whereas, the said premises are under the exclusive management and control of District Judge of the respective Sessions Divisions and under the overall control of the Punjab and Haryana High Court:

Therefore, while exercising the powers under Article 235 of the Constitution of India and other powers enabling in this behalf, the High Court of Punjab and Haryana hereby make the following rules:-

#### 1. Short title, commencement and application:

- (i) These Rules may be called the Judicial Courts Premises and Compound Fund Rules, 2013.
- (ii) They shall come into force from the date of publication in the Punjab Government Gazette.
- (iii) They shall apply to the Judicial Courts Premises in the Districts and the Sub Divisions in the State of Punjab.

#### 2. Definitions: In these Rules unless the context otherwise requires.-

- (a) "High Court" means the High Court of Punjab and Haryana at Chandigarh;
- (b) "Building Committee" means the Building Committee, Punjab of the High Court;
- (c) "District Judge" means the District Judge of the Sessions Division of which the District and Sub Divisions form the part;
- (d) "Civil Judge (Senior Division)" means the Judicial Officer posted as Civil Judge (Senior Division) at the District Head Quarters and includes the Additional Civil Judge (Senior Division) posted in the Sub Division;
- (e) "Judicial Courts Premises" means the Judicial Courts Building and the open or covered space appurtenant thereto exclusively meant for the Judicial Courts;
- (f) "Enclosure" means the built or unbuilt specific area in the Judicial Courts Complex;
- (g) "Fund" means the amount lying deposited in the Government Treasury/Sub Treasury in respect of the lease money received from the lessees of the enclosures leased out to them;
- (h) "Site plan" means the site plan of the Judicial Courts Premises got prepared by the District Judge from the Public Works Department (Building and Roads) authorities under the supervision of the Civil Judge (Senior Division) and approved by the High Court;
- (i) "Public Utility Service" means and includes canteen, cycle/scooter/motor-cycle stand, car parking; PCO/STD, bank (including ATM), photostat service/computer service, petition writers, stamp vendors, typists and juice bars.

#### 3. Submission of Site plans to the High Court.

- (i) Every District Judge shall submit the site plan to the High Court depicting therein the total area of the Judicial Courts Premises and the specific portions thereof which are being used or proposed to be used for the purpose of different public utility services.
- (ii) After approval of the site plan by the Building Committee, the same shall be sent back to the District Judge which shall be kept with Superintendent of his office and shall be open to inspection by the general public under the supervision of the

Superintendent on payment of inspection fee of Rs. 100/-, to be paid in the form of Court Fee stamps.

- (iii) The District Judge may, with the prior approval of the High Court, amend the site plan in accordance with the need of the day. However, such an amendment shall be effective only after the expiry of the lease period of the party who is effected by the same.

#### **4. Auction of enclosures.**

- (a) In March every year, on a date to be fixed by the District Judge and previously notified, the enclosures shall be auctioned by the Civil Judge (Senior Division) on lease for a period of one year w.e.f. the first day of April next.
- (b) The lease period can be extended, with the prior approval of High Court, for a further period of one year on existing conditions, in case of satisfactory service by the lessee.
- (c) The lessees shall undertake the lease on the conditions prescribed in the form of agreement appended as Appendix-A. The form can be amended keeping in view the situation/character of the enclosures leased out.
- (d) The leased deeds executed by the lessees shall be kept with the Superintendent of the District Judge and the same shall be kept by him under lock and key.

#### **5. Payment of lease money.**

- (a) The lessee shall deposit 25% of the lease money at the time of auction. The balance amount shall be deposited within one month of the commencement of the lease period.
- (b) In case of non-deposit of lease money within the prescribed time, the first deposit of 25% of the lease money shall be forfeited and enclosures shall be put to auction for the remaining period. The first lessee shall be liable to pay the difference, if any, between the lease money, if the subsequent lease is for lesser amount.

#### **6. Payment and collection Account.**

- (a) A payment and collection account shall be maintained by the Civil Nazir/Naib Nazir for each enclosure and lease separately in Form Appendix B. A register in Form Appendix C shall also be maintained by him for keeping monthly record of the expenditure. The Civil Judge (Senior Division) shall inspect these accounts every month and shall submit a detailed report about the recovery of lease money and the expenditure, to the District Judge.
- (b) The Civil Nazir/Naib Nazir shall maintain Treasury Pass Book in the Form Appendix D and shall remit the lease money on the date of receipt to the Treasury/Sub Treasury. Each remittance shall be accompanied by a memorandum in the Form Appendix E, Treasury Pass Book and challan in Form Appendix F.

#### **7. Expenditure from Fund.**

- (1) The expenditure can be incurred from the fund on the following items:-
- (a) Cleanliness, upkeep and beautification of Judicial Court Complex;
  - (b) Facilities for the litigants;
  - (c) The upkeep and furnishing of Judicial Guest House;
  - (d) Petty construction and repairs to be effected in Judicial Courts Complex;
  - (e) Functions organized on the directions/orders of Legal Services Authority, Punjab.
- (2) Civil Judge (Senior Division) shall submit a detailed proposal to the District Judge regarding the item for which and the amount to be utilized from the fund the expenditure shall be incurred only after the approval of the District Judge;
- (3) In case the expenditure on any item is to exceed of Rs. 50,000/-, the District Judge shall take the prior approval of the Administrative Judge of the concerned Sessions Division.

**8. Quarterly statement of collection, expenditure and arrears.**

A quarterly statement in Form Appendix G showing the amount received as lease money, the arrears and the expenditure, together with the necessary explanation, shall be submitted by the District Judge to the High Court along with quarterly statement.

**FORMS UNDER THE JUDICIAL COURTS PREMISES AND COMPUND FUND RULES.**

**Appendix A**

[Referred to in Rule 4(3)]

**Form of Agreement**

I \_\_\_\_\_ son of \_\_\_\_\_ aged \_\_\_\_\_ years, resident of \_\_\_\_\_ Tehsil \_\_\_\_\_ District \_\_\_\_\_, being in full possession of my senses, hereby execute this deed of agreement in favour of the District Judge \_\_\_\_\_ District, and in respect of leasing \_\_\_\_\_ of \_\_\_\_\_ enclosures, in Judicial Courts Premises, subject to the following terms and conditions, which shall be strictly binding upon me:-

- (1) That I shall be the lessee of the above for a period of twelve months, from the 1<sup>st</sup> of April, 20 \_\_\_\_\_ to the 31<sup>st</sup> of March, 20 \_\_\_\_\_.
- (2) That I shall deposit immediately 1/4<sup>th</sup> of Rs. \_\_\_\_\_ the lease money, i.e. Rs. \_\_\_\_\_. The balance will be paid by 10<sup>th</sup> of May 20 \_\_\_\_\_.
- (3) That I shall produce a surety who will execute a bond to the effect that he will be responsible to pay the lease money due to the District Judge in case I make default in paying the same.
- (4) That I shall keep, no livestock in the Judicial Courts Complex.
- (5) That I shall make no additions or alterations of any sort to the enclosure leased to me.
- (6) That I shall afford ample protection for foodstuff and other eatables as approved by the Civil Judge (Senior Division).
- (7) That in case of a breach of any of the above cited conditions on my part, the District Judge \_\_\_\_\_, may direct the said lease to be cancelled without further notice, and that I shall not be entitled to claim a refund from the money deposited and that I shall compensate the District Judge for the loss suffered on account of releasing of the enclosure.
- (8) That on the expiry of the term of the lease, I shall vacate the enclosure leased to me and deliver possession thereof forthwith to the District Judge, \_\_\_\_\_ and no further notice of ejectment will be necessary.

In witness whereof, I \_\_\_\_\_ subscribe my name at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_.

Witnesses:--

1. \_\_\_\_\_
2. \_\_\_\_\_

\_\_\_\_\_  
(Signature of lessee)



**APPENDIX 'D'**

[Referred under Rule 5(2)]

**TREASURY PASS BOOK FOR \_\_\_\_\_ OF DISTRICT/SUB DIVISION FUND**

Dr. RECEIPT					Cr. PAYMENT				
Month	Date	Particulars of Receipts	Amount	Initials of Treasury Officer	Month	Date	Particulars of cheque cashed	Amount	Initials of Treasury Officer

**APPENDIX 'E'**

[Referred to in Rule 5(2)]

**Memorandum**

	Rs.
Opening balance	
Receipts for the month as per "Register of Receipts"	
Payments for the month as shown in the "Register Of expenditure"	
Closing Balance as per the Treasury Pass Book	

**APPENDIX 'F'**

[Referred to in Rule 5(2)]

\_\_\_\_\_ Counterfoil of Receipt.

Book No. \_\_\_\_\_

Book No. \_\_\_\_\_

Receipt No. \_\_\_\_\_

Receipt No. \_\_\_\_\_

Date ... ..		Date ... ..	
No. of entry in Register of Receipts ...		No. of entry in Register of Receipts ...	
Name of depositor ... ..		Name of depositor ... ..	
Amount deposited ... ..		Amount deposited ... ..	
Signature of Civil Judge (Sr. Div.)/Addl.Civil Judge (Sr. Div.) ...		Signature of Civil Judge (Sr. Div.)/Addl.Civil Judge (Sr. Div.) ...	

**APPENDIX 'G'**

(Referred to in Rule 8)

**QUARTERLY STATEMENT SHOWING THE RECEIPT AND EXPENDITURE OF THE FUND**

**For the Quarter ending \_\_\_\_\_, 20**

Serial No.	Receipts for previous quarter	Receipts for quarter	Total	Expenditure during the quarter	Balance	Remarks
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.

District Judge,  
District \_\_\_\_\_

BY ORDER OF HON'BLE THE CHIEF JUSTICE AND JUDGES

Sd/-  
Registrar (Rules)  
For Registrar General