

REVISED SCHEME FOR ENGAGING LAW CLERK-CUM-RESEARCH ASSISTANTS ON SHORT TERM CONTRACTUAL ASSIGNMENT IN THE SUPREME COURT OF INDIA

Hon'ble the Chief Justice of India has approved the following revised scheme/guidelines with respect to engagement of Law Clerk-cum-Research Assistants on short term contractual assignment:-

1. Title: The guidelines provided herein after shall be called as "Revised Scheme for engaging Law Clerk-cum-Research Assistants in the Supreme Court of India".

2. Definitions: Unless there is anything repugnant in the subject or context:-

(i) 'Approved panel' means panel of suitable candidates formed on the basis of recommendations of the Committee of Hon'ble Judges and approved by Hon'ble the Chief Justice of India.

(ii) 'Assignment session' means the period from re-opening of the Court after Summer Vacation till the closure of the Court for Summer Vacation of the Court for next year.

(iii) 'Chief Justice' means Hon'ble the Chief Justice of India.

(iv) 'Judge' means Hon'ble Judge of the Supreme Court of India.

(v) 'Law Clerk' means Law Clerk-cum-Research Assistant.

(vi) 'Schedule' means schedule given at the end of these guidelines.

(vii) 'Schools/Colleges/Universities/Institutions' shall mean the Law Schools/Law Colleges/Law Universities and all such Institutions established by law in India and recognized by the Bar Council of India for enrolment as an Advocate.

(viii) 'Website' means official website of the Supreme Court of India as may be uploaded from time to time (at present: <http://www.sci.gov.in/>).

3. Term and nature of engagement:

- (i) Law Clerks shall be engaged on purely short-term contractual basis initially for the duration of the assignment session which is liable to be extended further for such period as may be considered appropriate subject to his/her performance being found to the satisfaction of the Hon'ble Judge with whom he/she is attached. The contractual assignment shall not confer upon the Law Clerk any right/claim for regular appointment or continuance in service beyond the initial period of engagement in the Supreme Court of India.
- (ii) Premature discharge of the assignment given to the Law Clerks without any notice shall be lawful.
- (iii) A Law Clerk intending to leave assignment at premature stage shall be required to give prior notice in writing at least one month in advance through the Assistant Registrar-cum-Private Secretary of the Hon'ble Judge.

4. Entitlement for the services of Law Clerks:#

Hon'ble the Chief Justice and each Hon'ble Judge shall be entitled to have services of a maximum of three Law Clerks, of whom atleast the first Law Clerk shall necessarily be from the approved panel and, if any Hon'ble Judge so desires, the other two Law Clerks can be engaged as candidates of choice subject to the condition that the candidates otherwise fulfill the minimum qualification requirements/conditions.

5. Assessment of Requirement of Law Clerks:

Before inviting applications, the number of Law Clerk-cum-Research Assistants required for the next assignment session will be ascertained from the Hon'ble Judges through the concerned Assistant Registrar-cum-Private Secretaries. Besides, depending upon requirement, upto a maximum of six Law Clerks may be kept in the reserve pool for meeting any emergent requirement.

6. Essential Qualifications:

- (i) The candidate must be a law graduate (as on the date of appearing at interview) having a Bachelor Degree in Law (including Integrated Degree Course in Law) from any School/College/University/Institute established by law in India and recognized by the Bar Council of India for enrolment as an Advocate.
- (ii) Candidate studying in the fifth year of the Five-Year Integrated Law Course will also be eligible to apply subject to furnishing proof of acquiring Law qualification at the time of interview/before taking up the assignment as Law Clerk-cum-Research Assistant.
- (iii) The candidate must have knowledge of computer including retrieval of desired information from various search engines/processes such as Manupatra, SCC Online, LexisNexis, Westlaw etc.

7. Age and Nationality:

- (i) A candidate must not be below the age of 18 years and above 27 years as on the last date of receipt of applications.
- (ii) He must be a citizen of India.

8. Disqualification:

- (i) A candidate must not be a practicing advocate nor engaged/appointed elsewhere on honorarium/payment basis.
- (ii) A candidate should not have been involved in any criminal case, whether convicted or against whom criminal trial is pending. A declaration in this behalf shall be made by the candidate.

9. Character:

The candidate must have absolute integrity, honesty and good moral character, for which he/she will submit certificate of two responsible persons at the time of interview.

10. Constitution of Committee:

A Committee of Hon'ble Judges shall be constituted for taking interview of shortlisted candidates and to assess their suitability on the basis of academic record, extra curricular achievements and performance in personal interview.

11. Process and Method of Selection:

(i) Selection process for engaging Law Clerks shall be initiated by notifying requirement and inviting applications online from willing and eligible candidates by way of publishing an advertisement.

(ii) In the month of January every year, the Registry will invite applications which are required to be submitted online with scanned signature and photograph. Applicants studying fifth year of the five-year integrated law course will have to submit attested copies of their grade-sheet/marks card/transcripts until the end of the fourth year.

(iii) Application/test fee of Rs.200/- and bank charges, as applicable, shall be charged per candidate for submitting online applications and payment shall be made online.

(iv) Applications received along with the Application/Test fee on or before the last date for receipt of applications and found to be in order in all respects shall be considered eligible for selection and only such applications will be processed further.

(v) Since large number of applications are expected to be received from eligible candidates all over the country, method of Screening shall be followed for filtering the candidates and, for the said purpose, a National Level Written Examination shall be conducted at four major cities across the country, i.e. Delhi, Mumbai, Bengaluru and Kolkata, at Test Centres to be notified from time to time. The duration of the Written Test will be of three hours. The Question Paper for the Test will contain 150 questions with multiple choice answers. Each question shall carry 1 mark. There shall be negative marking and 0.25 marks shall be deducted for each incorrect answer. Minimum qualifying marks for the said Written Test has been prescribed as 60% in aggregate with minimum 50% marks for each of the two Sections. The Question Paper for the Written Test shall have the following components:-

Section-I

Questions relating to General English
and General Aptitude/Awareness

- 50 marks

Section-II

Question relating to Indian Constitution,
Indian Penal Code, Criminal Procedure Code,
Civil Procedure Code and Indian Evidence Act etc.

- 100 Marks

Personal Interview

A Committee of Hon'ble Judges constituted by Hon'ble the Chief Justice will interview the eligible candidates. The Interview will carry 30 marks with 15 marks being minimum qualifying marks. In addition to being a General Interview, the candidates will also be asked questions relating to Law.

(vi) Depending upon the requirement of the Law Clerk-cum-Research Assistants during the next assignment session, students will be called merit-wise for interview by a Committee of Hon'ble Judges. The number of candidates called for interview will not exceed three times the number of Law Clerk-cum-Research Assistants required. The interview will be held in the month of May/June every year in the Supreme Court premises at New Delhi. The students called for interview will be paid onward and return journey fare of Third A.C. by rail for the shortest route on production of valid tickets.

(vii) On the basis of the marks secured by the candidates in the Written Test and Interview, a merit list shall be drawn wherefrom the Committee of Hon'ble Judges will recommend sufficient candidates, in order of merit, to be kept on the panel of Law Clerk-cum-Research Asssitants for assignment during the next assignment session.

(viii) After receipt of the recommendations of the Committee, Hon'ble the Chief Justice will approve formation of a panel as per requirement for the assignment session and order for attachment of one/two/three Law Clerk(s) to each of the Hon'ble Judges including Hon'ble the Chief Justice himself, according to seniority, as may be required by Their Lordships. The formal order in this regard shall, however, be issued by the Registrar (Admn.I).

(ix) If any Hon'ble Judge is not satisfied with the Law Clerk-cum-Research Assistant so attached with His Lordship, his/her candidature will be cancelled, provided the Hon'ble Judge within one month of appointment of the said Law Clerk conveys His Lordship's unwillingness to continue with the Law Clerk

assigned to His Lordship and the Hon'ble Judge will be given a choice of selecting a suitable incumbent from amongst the candidates left on the panel, but without interviewing with him/her.

(x) If any candidate on the panel either expresses his/her unwillingness to take up the assignment or even after giving his/her willingness does not turn up to take up the assignment on the appointed date and time without any intimation, his/her candidature will be cancelled, without any notice to him/her and no correspondence in this regard will be entertained.

13. Consolidated stipend:@

A fixed consolidated stipend of Rs.50,000/- per month without any dearness or other allowance/perquisites shall be paid to the Law Clerk. The Law Clerk whose period of assignment is extended beyond the normal assignment session of one year shall on completion of the said period be paid monthly stipend at the enhanced rate of Rs. 55,000/-.

14. Attendance and Leave:

(i) The Law Clerk shall be granted such leave of absence as may be approved by the Hon'ble Judge with whom he/she is attached, subject to a maximum of fraction of 8 days per year, vis-a-vis his/her period of assignment.

(ii) The Hon'ble Judge with whom the Law Clerk is attached shall be the Competent Authority to sanction his leave.

(iii) No stipend shall be paid for unauthorized absence as also for days exceeding permissible leave.

(iv) The Assistant Registrar-cum-Private Secretary to the Hon'ble Judge to whom such Law Clerk is attached shall maintain proper account of the attendance and leave of absence of the Law Clerk and will send its intimation on last working day of each calendar month to Registrar (Admn.I) for record.

15. Duties of Law Clerks:

The duties and responsibilities of a Law Clerk will include:-

- (i) Preparing brief summary of fresh admission matter;
- (ii) Preparing synopsis of regular hearing matters;

- (iii) Sitting in the Court during hearing of regular matters and noting down all the arguments;
- (iv) Carrying out research work for assisting the Hon'ble Judge in preparation of draft judgments;
- (v) To assist the Hon'ble Judge to prepare speeches and academic papers; and
- (vi) To perform any other work as directed by the Hon'ble Judge.

16. Duty Hours:

It is full time job and Law Clerk may be required to attend Residential Office of concerned Hon'ble Judge in addition to normal duty during office hours. He may be required to attend Office/Residential Office even on gazetted/local holidays. However, the time schedule for the duty hours shall be fixed by the Hon'ble Judge concerned.

17. Conduct during and after term of assignment:

(i) The Law Clerk shall maintain devotion to duty and a high standard of moral during the term of assignment. The Law Clerk shall also maintain a high standard of reputation and integrity commensurate with the responsibilities entrusted to him/her. He/She shall maintain utmost secrecy in respect of matters which come to his/her notice by virtue of the assignment and shall ensure that no information, document or any other thing is leaked out because of mishandling of papers or his/her deliberations with other, or in any manner. He/She will not disclose any fact which comes to his/her knowledge on account of such official attachment even after completion of term of assignment unless such disclosure is legally required in discharge of lawful duties.

(ii) The Law Clerk will be governed by the provisions of the Indian Penal Code and the Indian Official Secrets Act, 1923 as applicable to any public servant.

(iii) The Law Clerk will not accept any other assignment during term of assignment as Law Clerk. He/She shall not practice as an Advocate in any Court of Law during the course of assignment as Law Clerk.

(iv) The Law Clerk shall not practice in the Supreme Court of India for a period of one year after the relinquishment of assignment. He/She shall also not at any time practice or appear before the Hon'ble Judge with whom he/she has been attached as Law Clerk.

(v) He/She will not leave headquarter without seeking permission from the Hon'ble Judge concerned.

(vi) He/She will not avail leave without getting it sanctioned, in advance. In any case of emergency, he/she will immediately contact and convey the Assistant Registrar-cum-Private Secretary to the Hon'ble Judge concerned of his/her inability to attend office.

(vii) He shall maintain punctuality in attending to his duties.

18. Undertaking:

Before taking over assignment, Law Clerk shall submit an undertaking, in the format as may be prescribed in Schedule-I from time to time, before Registrar (Admn.I).

19. Certificate:

(i) On successful completion of term of assignment, a Certificate will be issued by the Registrar (Admn.I), in form as is prescribed in Schedule-II.

(ii) If the assignment is terminated before completion of original term due to pre-mature discharge by the Supreme Court of India or due to voluntarily giving up assignment by person concerned, no such Certificate shall be given unless the Hon'ble Judge with whom he/she was attached directs otherwise.

20. Publication of the Scheme:

(i) The Scheme shall be uploaded on website and intimation of uploading may be given to the Registrars of Schools/Colleges/Universities/Institutions.

(ii) Hon'ble the Chief Justice may direct publishing of this Scheme in any other additional manner also.

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Schedule-I

UNDERTAKING

I,, do hereby undertake and accept the following terms and conditions of my assignment as Law Clerk-cum-Research Assistant:

- a) I have been engaged purely on contractual basis and no claim as an employee of the Court shall be made by me.
- b) My period of assignment can be terminated without any notice. I shall not give up my assignment as Law Clerk-cum-Research Assistant before completion of my term of assignment. If I give up the assignment before completing my term, I shall not be entitled to any experience certificate.
- c) I shall render duty at the Court/Chambers/Residential Office of Hon'ble the Chief Justice of India/Hon'ble Judge according to the convenience of His Lordship and the duty hours shall be such as prescribed by the concerned Hon'ble Judge. I shall be punctual in attending to my duties.
- d) I shall be granted such leave of absence as may be approved by the Hon'ble Judge to whom I am attached, subject to a maximum of fraction of 8 days per year, vis-à-vis my period of assignment
- e) I shall not absent myself from duty without prior permission of the Hon'ble Judge. In case of absence due to sudden illness or some other unforeseen circumstances beyond control, I shall give intimation thereof at the Residential Office of Hon'ble Judge without delay. I understand that no stipend will be paid for any unauthorized absence from duty as also for days exceeding permissible leave.
- f) I shall maintain a high standard of reputation and integrity commensurate with the responsibilities entrusted to me. I shall maintain utmost secrecy in respect of matters which come to my notice by virtue of the assignment and shall ensure that no information, document or any other thing is leaked out because of mishandling of papers or my deliberations with others, or in any manner.
- g) At all times i.e. even after the completion of the assignment, I shall maintain complete secrecy regarding the work assigned to me by the Hon'ble Judge.
- h) I understand that I shall be governed by the provisions of the Indian Penal Code and the Indian Official Secrets Act, 1923 as applicable to any public servant.

- i) I shall not practice as an Advocate in any Court of Law during the course of assignment as Law Clerk-cum-Research Assistant.
- j) I shall not practice in the Supreme Court for a period of one year after the relinquishment of assignment. I shall also not at any time practice or appear before the Hon'ble Judge with whom I have been attached as Law Clerk-cum-Research Assistant.

In addition, I do hereby affirm that I have carefully read the REVISED SCHEME FOR ENGAGING LAW CLERK-CUM-RESEARCH ASSISTANTS ON SHORT-TERM CONTRACTUAL ASSIGNMENT IN THE SUPREME COURT OF INDIA and have fully understood the provisions contained therein. I understand and do undertake that I am bound by the provisions contained in the above said scheme and that I will abide by the provisions contained in it during the course of my assignment as Law Clerk-cum-Research Assistant as also after end of the said assignment.

Signature _____
Name _____

Schedule-II

All Communications should be addressed to the Registrar, Supreme Court by designation, NOT by name

PIN – 110 201

**SUPREME COURT
INDIA
NEW DELHI**

No.F.21(LC)/(year)-SCA(I)
Dated

CERTIFICATE

Certified that Mr/Ms. was granted short term contractual assignment as Law Clerk-cum-Research Assistant in the Supreme Court of India with effect from till on a fixed monthly stipend of of Rs 50,000/- per month.

Registrar (Admn.I)

Name of the Law Clerk