

SCHEME FOR ENGAGING LAW CLERK-CUM-RESEARCH ASSISTANTS ON SHORT TERM CONTRACTUAL ASSIGNMENT IN THE HIGH COURT OF MADHYA PRADESH

The High Court of Madhya Pradesh is pleased to adopt Scheme/guidelines with respect to engagement of Law Clerk-cum-Research Assistants on short term contractual assignment as under:-

1. **Title:** The guidelines provided here-in-after shall be called as "Scheme for engaging Law Clerk-cum-Research Assistants in the High Court of Madhya Pradesh".
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.
 - (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) 'Law Clerk' means Law Clerk-cum-Research Assistant.
 - (iv) 'Schedule' means schedule given at the end of these guidelines.
 - (v) '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.
 - (vi) 'Website' means official website of the High Court of Madhya Pradesh as may be uploaded from time to time (at present: <http://www.mphc.in/>).
3. **Term and nature of engagement:**
 - (i) Law Clerks shall be engaged purely on short-term contractual basis initially for the duration of the assignment session which may be extended further for such period as may be considered appropriate subject to his/her performance. The contractual assignment shall not confer upon the Law Clerk any right/claim for regular

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appointment or continuance in service beyond the initial period of engagement in the High Court of Madhya Pradesh.

- (ii) The assignment of Law Clerk shall be liable to premature discharge at any time without prior notice.
- (iii) A Law Clerk who wants to leave the assignment before expiry of assignment session shall be required to give one month's prior notice in writing through the Private Secretary of the Hon'ble Judge.

4. 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 for Law Clerk-cum-Research Assistant.
- (iii) The candidate must have basic knowledge of computer M.S. Office/Open Office/ Ubuntu including retrieval of desired information from various search engines/processes such as Manupatra, SCC Online, LexisNexis, Westlaw etc.

5. Age and Nationality:

- (i) A candidate must not be below the age of 18 years and above 30 years as on the last date of receipt of applications.
- (ii) He must be a citizen of India.

6. 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.

7. **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.

8. **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 from eligible candidates 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 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 submitted along with the Application fee on or before the last date for receipt of applications and found to be in order in all respects will be proceeded further.
- (v) The applicants who are found eligible for the assignment of Law Clerk shall be required to undergo a Screening Test (written examination) to be held at Jabalpur, Indore and Gwalior, as the case may be.
- (vi) The Test shall be for a duration of **two hours** with one objective type question paper consisting of 150 questions with multiple choice answers. Each question shall carry one mark. There shall be negative marking for incorrect answer and 0.25 mark shall be deducted for each incorrect answer.
- (vii) The Test paper will comprise of following two parts :

Part-I

Questions relating to General English -

50 marks

And General Aptitude/Awareness.

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50

Part-II

Question relating to Indian Constitution, - **100 marks**

Indian Penal Code, Criminal Procedure Code,

Civil Procedure Code and Indian Evidence Act etc.

- (viii) Candidates who secure 55% or above marks shall be eligible for interview. However, the number of candidates to be called for interview shall not exceed thrice the number of posts in order of merit.

9. 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. In addition to being a General Interview, the candidates will also be asked questions relating to Law.

- (i) 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.
- (ii) 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 Assistants for assignment during the next assignment session.
- (iii) The recommendations made by the Committee shall be placed for approval before Hon'ble the Chief Justice. The candidates whose names are approved for giving assignment shall be put in a Panel as per merit and they shall be assigned duties as per requirement.
- (iv) 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.

10. Consolidated stipend:

A fixed consolidated stipend of Rs.12000/- per month without any dearness or other allowance/perquisites shall be paid to the Law Clerk.

11. 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 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.) for record.

12. WORK PROFILE AND DUTIES:

(A) Duties and functions related to Court processes to be performed by Law Clerk-Cum-Research Assistant (from 10:00 a.m. to 1:30 p.m. on Court working days and full day for other working Saturdays)

- (i) Being aware of court procedures viz., method of filing of various categories of cases, provisions of law, processing of cases from the stage of filing to disposal including updation of cases and also digitization and elimination thereof as per rules;
- (ii) Checking of the Final and Motion hearing cause list cases as per instruction of the Registrar (IT) to ensure listing as per Roster/Assignment.
- (iii) Physically verification of Final Hearing cases to ensure listing of cases in weekly list as per the categorization/prioritization of cases in Listing Scheme.
- (iv) Special attention to be given to verify cases in the following categories -

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(a) Supreme Court Expedited/Direction Cases

(b) High Court Expedited Cases –Special Humanitarian reason

(c) High Court Expedited Cases - Short Question, Arguments not exceeding 30 minutes

(d) Cases of Senior Citizens more than 75 years old

- (v) To examine the cases, which have been **covered** by any Judgments/Orders, previously passed by Hon'ble Supreme Court / Hon'ble High Court.
- (vi) To prepare a list of such cases, which have been wrongly updated/Prioritized / categorized / listed and get them dropped from the Cause List for proper updation by the Concerned Dealing Assistants under intimation and approval by the Concerned Registrar (Judicial), so that the error is rectified timely.
- (vii) To submit a monthly Bench wise report of the Cases, in which Judgments/ Orders have been passed by Hon'ble Courts, but the same have not been uploaded in the CMIS.
- (ix) Other para-legal duties as may be assigned by the Registrar General/ Principal Registrar (Judicial)/ Registrar (Judicial).

(B) Duties and functions related to Legal Research in the Hon'ble Court where Law Clerk-Cum-Research Assistant is attached (2:00 p.m. onwards)

- (i) In any matter listed for final hearing before the Court the Law Clerk shall have to read the file in advance and prepare a brief summary of the facts of the case, final decision of the Court below if any, the reasons thereof enhance their understanding of Court processes including listing, categorization and prioritization of cases.
- (ii) Identify facts, issues and questions that may arise in the **course of arguments**, or as may be relevant for judgment,
- (iii) Presence in the Court during the hearing of cases, taking notes of arguments and citations;
- (iv) The Law Clerk must conduct necessary research under the guidance and directions of the Hon'ble Court, in the Judges chamber Library or the High Court Library or through Internet and must keep themselves abreast with the latest

precedents of the Supreme court and of the High Courts, more particularly of this Court so as to be of maximum assistance to the judge concerned as and when necessary.

- (v) Research legal points and principles under the guidance of Hon'ble Judge relevant in the preparation of judgments;
- (vi) Prepare summary of Judgments passed by the Hon'ble Judge alongwith the point of law decided in that particular case, in such a manner, as to be very conveniently retrievable, as and when required in future.
- (vii) Prepare statistical reports including chronological dates of delivery of judgments.
- (viii) Maintenance of record of administrative files, if specifically entrusted.
- (x) Perform other duties as directed by the Hon'ble Judge or Registrar General or Principal Registrar (Judicial).

13. Duty Hours:

A Law Clerk shall be required to attend office of the concerned Hon'ble Judge from 10.00 A.M. to 6.00 P.M. with recess period of half an hour. Law Clerk may also be required to attend office on a Gazetted/Local holiday, if so required, for performing official duties.

14. 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 High Court of M.P 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 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.

15. 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.).

16. Certificate:

- (i) On successful completion of term of assignment, a Certificate will be issued by the Registrar General 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 High Court of M.P 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.

17. 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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REGISTRAR GENERAL

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 of Hon'ble Judge according to the convenience of His Lordship. 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-a-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.

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- 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 High Court of M.P (the respective Bench where the assignment as Law clerk was taken)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 SCHEME FOR ENGAGING LAW CLERK-CUM-RESEARCH ASSISTANTS ON SHORT-TERM CONTRACTUAL ASSIGNMENT IN THE HIGH COURT OF M.P 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

B-G

Drafted by me

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Schedule-IIHIGH COURT OF MADHYA PRADESH: JABALPURCERTIFICATE

Certified that Mr./Ms. _____ was granted

Short term contractual assignment as Law Clerk-cum-Research Assistant in the HIGH COURT OF MADHYA PRADESH Main Seat Jabalpur/Bench Indore/Gwalior with effect from _____ till _____ on a fixed monthly stipend of Rs.12000/-.

Registrar (Admn.)

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