

HIGH COURT OF MADRAS

Guidelines for Appointment of Law Clerks/Research Law Assistants to the Hon'ble Judges

In exercise of the powers conferred by Article 229 of the Constitution of India, The Hon'ble The Chief Justice is pleased to frame the following guidelines for the appointment of Law Clerks/Research Law Assistants to the Hon'ble Judges in the Madras High Court (including its Madurai Bench).

1. Short Title

These Guidelines provided hereinafter shall be known as '*Guidelines for Appointment of Research Law Assistants to Hon'ble Judges of the Madras High Court and its Madurai Bench*'.

2. Definitions

Unless there is anything repugnant in the subject of context-

- (i) 'Chief Justice' means The Hon'ble The Chief Justice of the High Court of Madras
- (ii) 'Judge' means the Hon'ble Judges of the High Court of Madras.
- (iii) 'University' means the Universities established by Law in the Indian Union.
- (iv) 'Website' means the Official website of the High Court of Madras (www.hcmadras.tn.nic.in).
- (v) The terms 'Law Clerk' and 'Research Law Assistant' are used interchangeably, and are to be understood as such.

3. Appointing Authority

The appointing authority for the assignment of Research Law Assistant to the Hon'ble Judges shall be the Hon'ble The Chief Justice.

4. Age

- (i) The Candidate must not have attained the age of 30 years as on the 1st of January or July, that precedes the last date fixed for submission of applications.
- (ii) He/She must be a citizen of India.

5. Eligibility criteria

(i) The Candidate should be a Graduate in Law (under 10+2+3+3, 10+2+5, 10+2+4+3 or any other recognized pattern at the decision of the committee) from recognized Universities in the Indian Union, and should be recognized by the Bar Council of India for admission as an Advocate or Attorney of an Indian Court.

(ii) Only candidates who have passed all their Examinations within the duration of their Course are eligible to apply.

(iii) Only candidates who have obtained their Law Degree not earlier than five years as on the date of Notification, are eligible to apply for the assignment of Research Law Assistant.

(iv) Candidates pursuing a Post-Graduate Degree in Law, or any other Degrees or Programmes requiring their compulsory attendance elsewhere, are not eligible to apply for the assignment of Research Law Assistant.

6. Period of Assignment and De-assignment of Research Law Assistants

(i) Research Law Assistants will be ad hoc appointees, and their engagement shall initially be for a period of one year from the date of their taking up the assignment, which can be extended for a further period not exceeding one year, subject to the approval of the Hon'ble The Chief Justice or the Committee nominated by the Hon'ble The Chief Justice.

(ii) However, the assignment of any Research Law Assistant may be discontinued even before the completion of one year, without notice, if his/her services are found to be unsatisfactory.

(iii) The Candidates should join their assignment as Research Law Assistants within the period specified in their order of appointment. No request for extension of this period will be entertained under any circumstances.

(iv) Research Law Assistants shall not be treated or deemed to be regular employees in the Madras High Court Service.

(v) Any Research Law Assistant intending to leave their assignment as Research Law Assistant within a period of one year, shall be required to give prior notice of three months with prior intimation to the Hon'ble Judge to whom they are attached.

(vi) In case any Research Law Assistant leaves the assignment as Research Law Assistant before the expiry of his/her tenure without giving three months' notice, he/she will be relieved only on repayment of the amount received by them as honorarium for that period. Waiver of repayment,

or fixation of an appropriate amount may be at the discretion of the Hon'ble Chief Justice / Committee.

7. Selection Process

(i) Selection for the assignment of Research Law Assistant shall be made by way of a Notification, inviting applications from willing and eligible Candidates.

(ii) Hon'ble Judges of the Madras High Court may recommend candidates who are eligible as per these Guidelines.

(iii) Prominent Law Schools/Universities may recommend their Alumni residing in Chennai.

(iv) Such applications shall be made in the requisite form, that may be downloaded from the Madras High Court website (www.hcmadras.tn.nic.in). The form must be accompanied by copies of the documents enumerated therein.

(v) Eligible Candidates will have to appear for viva voce at Madras/Madurai at their own expense on the date, time and venue as intimated to them.

(vi) The selection shall be made by the Hon'ble The Chief Justice or the Committee nominated by the Hon'ble The Chief Justice.

(vii) The selection shall be based on merit, and the list of selected candidates by the Hon'ble Committee shall be subject to the approval of the Hon'ble The Chief Justice. In case of a tie, preference shall be accorded to candidates proficient in the Tamil language (both spoken and written).

(viii) Selected candidates shall be posted either in the Principal Seat at Madras, or at the Madurai Bench of the Madras High Court, Madurai.

8. Duties and Responsibilities assigned to Research Law Assistants

The assignment as a Research Law Assistant is on a full-time basis. Research Law Assistants are expected to assist their Hon'ble Judges not only in Judicial work, but in Administrative work as well. The duties and responsibilities of a Law Clerk will include:

- (i) Preparing brief summaries of fresh admission matters;
- (ii) Preparing synopsis of regular hearing matters;
- (iii) Sitting in Court during the hearing of regular matters, and noting down all the

arguments;

- (iv) Carrying out research work and assisting the Judge in preparation of draft judgments;
- (v) Assisting the Judge in preparing speeches and academic papers;
- (vi) Preparing headnotes of the judgments authored by the Judges, if required; and
- (vii) Performing any other work as directed by the Judge.

In addition, a Law Clerk attached with the Registry shall undertake tasks as directed by the supervising authority.

9. Attendance and Leave

- (i) The Law Clerk shall be granted such leave of absence (subject to a maximum of 12 days), as may be approved by the Judge with whom they are attached.
- (ii) The Judge with whom the Law Clerk is attached shall be the Competent Authority to sanction leave for the Law Clerks.
- (iii) No remuneration shall be paid for unauthorized absence.
- (iv) The Private Secretary to the Judge to whom a Law Clerk is attached shall maintain proper account of the attendance, leave and unauthorised absence of the Law Clerk and will send its intimation on the last working day of each calendar month to Assistant Registrar (Admn I) for the record.

10. Duty Hours

It is a full-time job, and a Law Clerk may be required to attend the Residential Office of the concerned Judge in addition to normal duty during office hours. A Law Clerk 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 Judge concerned or the Registry officer.

11. Conduct during and after the term of assignment

- (i) A Law Clerk shall maintain devotion to duty and a high standard of morals during the term of the assignment. The Law Clerk shall also maintain a high standard of reputation and integrity commensurate with the responsibilities entrusted to them.
- (ii) A Law Clerk shall maintain utmost secrecy in respect of matters which come to their notice by virtue of their assignment. A Law Clerk will not disclose any information,

documents or any other thing that come to their knowledge on account of such official attachment, even after completion of the term of their assignment, unless such disclosure is legally required in discharge of lawful duties.

(iii) A Law Clerk will be governed by the provisions of the Indian Penal Code, 1860 and the Indian Official Secrets Act, 1923 as applicable to any public servant.

(iv) A Law Clerk will not leave Chennai without seeking permission from the Judge, or the supervising authority concerned.

(v) A Law Clerk will not avail leave without getting it sanctioned in advance. In any case of emergency, a Law Clerk will immediately contact the Private Secretary to the Judge concerned or the supervising authority, and convey their inability to attend office.

(vi) A Law Clerk shall maintain punctuality in attending to their duties.

12. Record of Attendance of Research Law Assistant

All Research Law Assistants should mark their attendance in the Bio-metric machine available inside the campus of the Madras High Court (Principal Seat at Madras / Madurai Bench), before they proceed to the Chambers of the respective Hon'ble Judge to whom they are attached.

13. Leave Entitlement

(i) Research Law Assistants shall be entitled to one-day's Casual Leave on completion of one Calendar month. The un-availed Casual Leave in a particular month may be carried forward, subject to a maximum of 12 days of casual leave in a Calendar Year.

(ii) However, they will only be permitted to avail of Casual Leave with prior intimation to the Hon'ble Judge to whom they are attached.

(iii) If any Research Law Assistant is found to exceed the permissible limit of 12 days of Casual Leave in a Calendar Year, necessary deductions will be made from their monthly Honorarium, on a pro-rata basis.

14. Honorarium

(i) Each Research Law Assistant shall be paid a consolidated amount of Rs.30,000/- (Rupees Thirty Thousand Only) per month, as Honorarium for their assignment.

In case any unusual / force majeure occasion, like COVID-19, etc., arises in the future, making it impossible for Research Law Assistants to attend Chambers or Courts of the Hon'ble

Judges to whom they are attached, only 50% of the amount will be paid to them as monthly honorarium.

(ii) Research Law Assistants shall not be entitled to any other allowances or perks.

15. Bar on Practicing as an Advocate or Taking up Employment

(i) No Research Law Assistant shall be entitled to practice as an Advocate in any Court of Law or Tribunal or Authority during the term of their assignment.

(ii) No Research Law Assistant shall be entitled to take up any employment or engagement of any nature either on full-time or part-time basis, during the term of their assignment.

(iii) Research Law Assistants shall refrain from practicing before the Hon'ble Judge with whom they were attached for a period of two years after the relinquishment of their assignment as Research Law Assistants.

16. Access available to Research Law Assistants

Research Law Assistants are permitted to access the Court Halls, and with prior permission, the Judges' library.

17. Dress Code for Research Law Assistant

(i) Male Law Clerks – Black trousers, white shirt (full sleeves), black coat and black shoes.

(ii) Female Law Clerks – White blouse with light-coloured saree (or) white kameez, white/black salwar and black waistcoat.