

Scheme for Engaging Law Clerk-cum-Research Associates on Short-Term Contractual Assignment in the Supreme Court of India – April, 2023

Hon'ble the Chief Justice of India has been pleased to approve the following Scheme/Guidelines with respect to the engagement of Law Clerk-cum-Research Associates on short-term contractual assignment:

1. Title

The guidelines provided hereinafter shall be called as “Scheme for Engaging Law Clerk-cum-Research Associates on Short-Term Contractual Assignment in the Supreme Court of India”.

2. Definitions

In this Scheme, unless the context otherwise requires:

- (i) ‘Assignment term’ means the period of engagement as Law Clerk as provided under Clause 3 of this Scheme.
- (ii) ‘Centre for Research and Planning’ means the Centre for Research and Planning of the Supreme Court.
- (iii) ‘Chief Justice’ means Hon'ble the Chief Justice of India.
- (iv) ‘Committee of Judges on Law Clerks’ means such Committee as constituted by Hon'ble the Chief Justice of India.
- (v) ‘Judge’ means Hon'ble Judge of the Supreme Court of India.
- (vi) ‘Judge’s office’ means the Residential Office of the Hon'ble Judges of the Supreme Court.
- (vii) ‘Law Clerk’ means Law Clerk-cum-Research Associate.

- (viii) 'Orientation' means workshop and training to be organised by the Centre for Research and Planning or the Training Cell of the Supreme Court Registry, as per the directions of the Chief Justice.
- (ix) 'Preference List' means the sequence of preference of the Judges' offices given by the candidate before the interview.
- (x) 'Registry' means the Registry of the Supreme Court of India.
- (xi) 'Selection Process' means the process prescribed under **Annexure-A** of this Scheme.
- (xii) 'Schedule' means the schedule given at the end of this Scheme.
- (xiii) '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.
- (xiv) 'Supreme Court' shall mean the Supreme Court of India.
- (xv) 'Website' means the official website of the Supreme Court of India.

3. Term and Nature of Engagement

- (i) The Law Clerks will be engaged on a purely short-term contractual assignment commencing from the re-opening of the Court after the summer vacation and concluding by the end of the following year's summer vacation.
- (ii) The term of engagement of the Law Clerk may be extended for the succeeding year, subject to the satisfaction and approval of the Judge with whom the Law Clerk is attached.
- (iii) The term of engagement of the Law Clerk posted in the Registry may be extended for the succeeding year, subject to the

satisfaction of the seniormost Judge of the Committee of Judges on Law Clerks.

(iv) The contractual assignment shall not confer upon the Law Clerk any right/claim for regular appointment or continuance beyond the period of engagement in the Supreme Court of India.

(v) A Law Clerk intending to leave assignment at an early stage shall be required to give prior notice in writing at least one month in advance through the Private Secretary of the Judge.

(vi) The engagement of a Law Clerk may be terminated by the Registry by giving two weeks' notice.

4. Remuneration

(i) A Law Clerk will be paid a consolidated remuneration of Rs. 80,000/- per month for the assignment term and there will be no other allowances/perquisites.

(ii) If a Law Clerk is given an extension after twelve months of the initial assignment, then a consolidated remuneration of Rs. 90,000/- per month will be paid for the extended assignment term and there will be no other allowances/perquisites.

5. Entitlement for the Services of Law Clerks

(i) The Chief Justice or a Judge shall be entitled to have services of four Law Clerks, out of which the first two shall be mandatorily through the selection process of the Registry.

(ii) The Chief Justice or a Judge shall be free to engage all four Law Clerks through the selection process of the Registry.

(iii) Subject to their workload, the Chief Justice or a Judge may inform and engage the services of a fifth Law Clerk, in addition to the four Law Clerks, from the selection process of the Registry.

6. Eligibility Conditions and Selection Process

The eligibility conditions and details of the selection process are provided in **Annexure-A**.

7. Reserve Pool of Qualified Candidates

(i) The candidates who could not clear the interview stage of selection process under **Annexure-A** may be, based on their willingness, put in the Reserve Pool of qualified candidates as per the rank list and the requirement of the Registry.

(ii) The candidates in the Reserve Pool may be engaged in the Registry to assist in various court processes as per the requirement and shall be given a contract of assignment.

(iii) The Law Clerks in the Reserve Pool may be engaged in a Judge's office as and when required.

8. Waitlist Candidates

(i) The candidates who are not engaged in a Judge's office or are not put in the Reserve Pool of qualified candidates shall be assigned to a waitlist in the sequence of their combined score as provided in Clause G(iii) of **Annexure-A**.

(ii) The candidates on the waitlist may be considered for engagement as Law Clerks if there is any vacancy or need arises in a Judge's office or the Registry.

- (iii) The candidates on the waitlist shall not be offered any contract of assignment or any remuneration for the period during which they are on the waitlist.
- (iv) The waitlist shall remain valid till the next selection process is over.

9. Contingencies

- (i) Retirement of a Judge Mid-Term: If a Judge retires during the middle of a Law Clerk's term who was selected through the selection process of the Registry, then the Judge's Law Clerks will be sent to the Reserve Pool, and their services may be utilized for various processes of the Court.
- (ii) Appointment of a Judge Mid-Term: If a Judge is appointed to the Supreme Court during the middle of an ongoing term, they shall have to take at least two Law Clerks from the Reserve Pool or highest-ranked candidates from the Waitlist by calling for resumes and/or taking interviews. The Registry shall ask for the preferences of the candidates in a similar manner as indicated in **Annexure-A**, if required. Waitlisted candidates selected through this process will be appointed till the end of the following summer vacation, and their assignment may be further extended for twelve months subject to the satisfaction of the Judge.
- (iii) Law Clerk resigning/services terminated Mid-Term: If due to unforeseen circumstances, a Law Clerk resigns or their services are terminated by the Registry at the direction of a Judge's office in the middle of the assignment term, the Judge's office may consider resumes and/or conduct an Interview Process for shortlisting the

candidates in the Reserve Pool or highest-ranked candidates in the Waitlist. The new Law Clerk shall be appointed till the end of the following summer vacation and their assignment may be further extended for twelve months subject to the satisfaction of the Judge.

10. Conditions of Engagement

The conditions of engagement in relation to the conduct, duties, attendance, leave, duty hours, etc. are provided in **Annexure-B**.

11. Eligibility for Advocates-on-Record Examination

- (i) The period during which a Law Clerk is attached to a Judge's office or in the Registry shall be counted for the purpose of eligibility requirement for the Advocates-on-Record examination.
- (ii) The current Scheme does not bar any Law Clerk to get enrolled as an Advocate during their assignment in the Supreme Court.

12. Undertaking

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

13. Certificate

- (i) On successful completion of the assignment term, a Certificate will be issued by the Registrar (Recruitment), in form as prescribed in **Schedule-II**.
- (ii) If the assignment is terminated before the completion of the original assignment term due to premature discharge by the Supreme Court of India or due to voluntarily giving up the assignment by the

Law Clerk concerned, a Certificate shall be given only for the period of contractual engagement for which the Law Clerk had worked.

14. Orientation and Training

After the selection process is over, the Centre for Research and Planning or the Training Cell of the Registry, subject to the approval of the Chief Justice or the Committee of Judges on Law Clerks, shall conduct sessions for orientation and training of newly recruited Law Clerks, where they shall be given basic training on the preparation of briefs, case notes, research notes, etc., through the training module developed by the Centre for Research and Planning or Training Cell.

15. Publication of the Scheme

- (i) This Scheme or any information related to Law Clerks shall be uploaded on the official website of the Supreme Court.
- (ii) The Chief Justice may also direct the publishing of this Scheme in any other additional manner.

Annexure-A

ELIGIBILITY CONDITIONS AND SELECTION PROCESS

A. Essential Qualifications

- (i) A candidate must not be below the age of 20 years and above 30 years as on the final date for registration for the Law Clerks exam.
- (ii) The candidate must be a Law Graduate having a Bachelor's Degree in Law (including an 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.
- (iii) Candidates studying in the fifth year of the Five-Year Integrated Law Course or the third year of the Three-Year Law Course after graduation in any stream will also be eligible to apply, subject to furnishing proof of acquiring Law qualification before taking up the assignment as Law Clerk.
- (iv) The candidate must have research and analytical skills, writing abilities, and knowledge of computers, including retrieval of desired information from various search engines/processes such as eSCR, Manupatra, SCC Online, LexisNexis, Westlaw, etc.

B. Assessment of Requirement of Law Clerks

- (i) The Registry shall publish the number of vacancies in each Judge's office in the recruitment advertisement to enable candidates to make an informed decision regarding whether they would want to undergo the selection process.

(ii) Before inviting applications, the number of Law Clerks required for the next assignment term will be ascertained by the Registry from the Judges through the concerned Private Secretaries.

(iii) If the assignment term of any existing Law Clerks is extended for another term, it shall be intimated to the Registry by the end of December.

C. Call for Applications/Recruitment Advertisement

(i) The call for applications and the release of the advertisement may be done every year.

(ii) The Registry shall release a call for applications inviting online applications, along with a nominal fee of Rs. 500/- only to be made online, from eligible candidates by way of publishing an advertisement.

(iii) The advertisement will also indicate the number of vacancies in the offices of Judges.

(iv) The advertisement shall also seek the preference of test centers for the candidates.

(v) Along with the advertisement, a 'sample guide' may be uploaded on the website.

(vi) In the month of January every year, the Registry may invite applications that are required to be submitted online with scanned signatures and photographs.

(vii) An applicant should not have been involved in any criminal case, whether convicted or against whom a criminal trial is pending.

(viii) Applicants studying in the fifth year of the five-year integrated law course or the third year of three-year law course after graduation in any stream shall have to submit self-attested copies of their grade

sheet/marks card/transcripts until the end of the fourth year and second year respectively.

(ix) Applications received along with the prescribed 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.

(x) The Supreme Court of India is an equal opportunity workplace, and shall formulate and implement a diversity and inclusion policy, as and when approved. Relevant data may be collected from the candidates.

D. Pattern of Examination and Test Centers

(i) The selection process shall be conducted in three phases: Part I- Multiple Choice Based Questions, testing the candidates' ability to understand and apply the law, and comprehension skills; Part II- Subjective Written Examination, covering writing and analytical skills; Part III- Interview by individual Judges.

(ii) Part I and Part II shall be conducted on the same day in two sessions at the following centres across India i.e. Bengaluru, Bhopal, Bhubaneswar, Chandigarh, Chennai, Dehradun, Delhi, Gandhinagar, Guwahati, Hyderabad, Imphal, Jodhpur, Kolkata, Lucknow, Mumbai, Nagpur, Patna, Pune, Raipur, Ranchi, Srinagar, Thiruvananthapuram and Visakhapatnam. A break of two hours shall be provided to candidates between the conducting of Parts I and II.

(iii) Part I shall be conducted by OMR sheets or in online/hybrid mode at the test centers, as may be specified by the Chief Justice from time to time. Part II shall also be conducted in physical mode/ pen-paper mode/online/hybrid mode.

(iv) The number of test centers may be increased or decreased, subject to the number of applications received and as per directions of the Chief Justice or the Committee of Judges on Law Clerks.

(v) Necessary arrangements shall be made at the test centers for candidates with special needs or persons with disabilities, as per the Rights of Persons with Disabilities Act, 2016, and the applicable guidelines of the Government of India.

E. Constitution and Responsibility of Examination Board

(i) The Chief Justice or the Committee of Judges on Law Clerks constituted by the Chief Justice, shall constitute a Permanent Examination Board, comprising of advocates/academicians/legal professionals/judges from district judiciary with an experience of 10 years or above and/or one Officer working in the Centre for Research and Planning or the Registry for the purpose of coordination.

(ii) The Examination Board in consultation with the Committee of Judges on Law Clerks shall nominate Examiners for evaluation of answer sheets of Subjective Written Examination (Part II).

(iii) The concerned Registrar shall coordinate between the Examination Board and the Committee of Judges on Law Clerks or the Chief Justice.

(iv) The Examination Board shall be responsible for setting the question paper for Part I (Multiple Choice Based Questions) and Part II (Subjective Written Examination), as provided in this Annexure.

(v) Prior to conducting Parts I and II, the Examination Board shall release a 'sample guide' of questions and answers, so that the candidates know the kind of answers they are expected to provide.

(vi) The Examination Board shall adhere to the highest standards of integrity, honesty, and confidentiality in assisting the Registry in this process.

F. Format and Type of Questions

(i) Part I of the selection process shall consist of 100 Multiple Choice questions (MCQs) of 1 mark each to be done in 3 hours, and shall consist of the following questions: (a) A reading comprehension passage in English, followed by objective type related questions on the passage; (b) Objective type analytical questions, testing the candidates' ability to understand and apply law, including the Constitution of India, CrPC, CPC, IPC, Indian Evidence Act, and Contract Act; and (c) Objective type questions on recent developments in law and jurisprudence in the last one year. There shall be a negative marking/deduction of 0.25 marks for each incorrect answer. The MCQs shall include relevant provision of the statute, wherever necessary.

(ii) Part II shall be of 3^{1/2} hours (including 30 minutes reading time) and 300 marks, and would consist of the following questions:

(A) Question 1 - Brief Preparation: This question shall require the candidate to prepare a brief synopsis or precis of a case file not longer than 750 words, i.e. approximately 2 sides of a single page. The candidate would be provided with a copy of a Special Leave Petition or Civil/Criminal Appeal or Writ Petition.

Parameters for judging this question include: (a) ability of the candidate to identify and marshal the relevant facts; (b) identification of legal issues before the High Court/Appellate Tribunal; (c) comprehensive

analysis of the issues as done by the High Court in the impugned decision; (d) ratio of the impugned decision; (e) relevant grounds before the Supreme Court; (f) ability to condense information and structure the document logically; and (g) brevity.

(B) Question 2 - Preparation of a draft research memo: In this question, the candidate shall be provided with a brief factual dispute, the relevant statutes and precedents to decide the dispute, along with certain irrelevant decisions which modify the line of precedent. The candidate would be required to formulate a draft reasoned memo not longer than 2 pages/ 750-1000 words on the dispute.

Parameters for judging this question include: (a) ability to use relevant legal sources; (b) use of legal language; (c) exposition of the law; (d) analysis of the facts and applicability of the law to the facts; and (e) structure of the opinion.

G. Results

(i) Candidates who do not obtain the minimum qualifying marks of 40% or such cut-off as may be specified in Part I will automatically be rejected and the Examination Board would not be required to assess their answer sheets for Part II.

(ii) In order to qualify in Part II, a candidate needs to secure minimum 50% marks or such cut-off as may be specified.

(iii) After the assessment of the answers sheet of Part II, the Registry shall prepare the results of the Written Examination based on the combined marks secured in both Part I and Part II.

(iv) The individual score of candidates shall be provided on the individual registration portal, where the candidate had registered himself/ herself at the time of submitting the online application.

(v) A list of candidates according to the marks scored in Part I and Part II who are to be considered for the interview, along with cut-off score, shall be published on the website of the Supreme Court.

(vi) The candidates qualifying for the interview would be asked to submit a preference list of the Judges' offices in a sequence of their choice under whom they intend to work.

H. Interview Process

(i) Based on the rank, a candidate shall be shortlisted for the final interview at a Judge's office in terms of the preference indicated. A candidate higher in rank shall be duly considered for a Judge from the top of his preference list.

(ii) Every Judge's office, for the purpose of the interview, shall be allocated a proportionate number of candidates as per the total vacancies notified initially to select the candidates for engagement by the Registry.

(iii) The Residential Offices in coordination with the Registry shall arrange for an online interview of the candidates with the Judge's office for which they have been shortlisted.

I. Offers to Selected Candidates

(i) After the Judge's office has completed their interviews, they shall intimate the Registry about the selected candidates in their office.

(ii) Once the Registry receives the information on selected candidates from a Judge's office, it shall communicate the results to the concerned candidate individually.

(iii) The selected candidates at the Residential Offices along with the candidates shortlisted in the Reserve Pool shall be given an engagement as Law Clerks, subject to the condition that they provide references of two responsible persons, including faculty members who have taught the candidate, before taking up the engagement as Law Clerks.

J. Model Timeline

A model timeline for the selection process under this Scheme is provided in **Schedule- III**.



Annexure-B

CONDITIONS OF ENGAGEMENT

A. Duties of Law Clerk

The duties and responsibilities of a Law Clerk will include:

- (i) Preparing brief summary of fresh admission matters;
- (ii) Preparing a synopsis of regular hearing matters;
- (iii) Sitting in the Court during the hearing of regular matters and noting down all the arguments;
- (iv) Carrying out research work for assisting the Judge in preparation of draft judgments;
- (v) To assist the Judge in preparing speeches and academic papers;
- (vi) To prepare headnotes of the judgments authored by the Judges, if required;
- (vii) To perform any other work as directed by the Judge; and
- (viii) A Law Clerk attached with the Registry shall undertake the tasks as directed by the supervising authority.

B. Attendance and Leave

- (i) The Law Clerk shall be granted such leave of absence (subject to minimum of 8 days), as may be approved by the Judge or the Officer of the Registry with whom they are attached.
- (ii) The Judge or the Officer of the Registry with whom the Law Clerk is attached shall be the Competent Authority to sanction leave of the Law Clerks.
- (iii) No remuneration shall be paid for unauthorized absence.
- (iv) The Private Secretary to the Judge or the Officer of the Registry 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 Registrar (Recruitment) for the record.

C. 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.

D. 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 assignment term. The Law Clerk shall also maintain a high standard of reputation and integrity commensurate with the responsibilities entrusted to them.

(ii) A Law Clerk, whether attached to a Judge's office or in the Registry, shall maintain utmost secrecy in respect of matters which come to their notice by virtue of the assignment. A Law Clerk will not disclose any information, document or any other thing which comes to their knowledge on account of such official attachment even after completion of the assignment term 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 and the Indian Official Secrets Act, 1923 as applicable to any public servant.

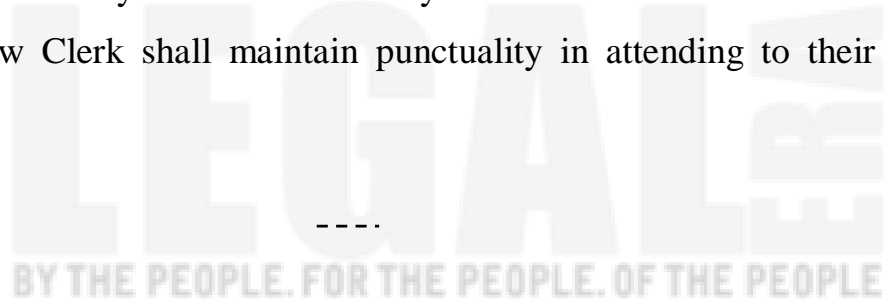
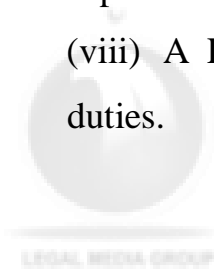
(iv) A Law Clerk will not accept any other assignment during their assignment term as Law Clerk. They shall not practise as an Advocate in any Court of Law during the course of their assignment term as Law Clerks.

(v) A Law Clerk shall not appear for a period of two years before the Judge with whom he was attached as a Law Clerk.

(vi) A Law Clerk will not leave Delhi-NCR without seeking permission from the Judge or the supervising authority concerned.

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

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



Schedule-I

UNDERTAKING

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

- a) I have been engaged purely on a contractual basis and no claim as an employee of the Court shall be made by me.
- b) I shall render duty at the Court/Chambers/Residential Office of Hon'ble the Chief Justice of India/Hon'ble Judge according to their convenience or in the Registry and the duty hours shall be such as prescribed by the concerned Hon'ble Judge/concerned officer in the Registry. I shall be punctual in attending to my duties.
- c) I shall only be entitled to such leave of absence (subject to minimum of 8 days) as may be approved by the Hon'ble Judge or concerned officer in the Registry with whom I am attached.
- d) I shall not absent myself from duty without prior permission of the Hon'ble Judge or concerned officer in the Registry. In case of absence due to sudden illness or some other unforeseen circumstances beyond my control, I shall give intimation thereof at the Residential Office of Hon'ble Judge or concerned officer in the Registry without delay. I understand that no remuneration will be paid for any unauthorized absence from duty.
- e) 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.
- f) I shall ensure that no information, document, or any other thing is made known to any unauthorized person because of mishandling of papers or my deliberations with others, or in any other manner.
- g) At all times i.e. even after completion of the assignment, I will be careful even in my personal relationship not to casually reveal or mention anything that I have known in my capacity as a Law Clerk during the period of my engagement.
- 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 practise as an Advocate in any Court of Law during the course of assignment as Law Clerk-cum-Research Associate.
- j) I shall not be engaged/appointed elsewhere on an honorarium/payment/stipend basis, i.e. neither part-time nor full-time elsewhere.
- k) I shall not appear for a period of two years before the Hon'ble Judge(s) with whom I am attached as a Law Clerk.

In addition, I do hereby affirm that I have carefully read the SCHEME/GUIDELINES FOR ENGAGING LAW CLERK-CUM-RESEARCH ASSOCIATE (LCRA) 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 Associate as also after the 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 – 110 001

***SUPREME COURT
INDIA
NEW DELHI***

No.F.21(LC)/(year)-SC (RC)

Dated

CERTIFICATE

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

Registrar (Recruitment)

Name of the Law Clerk-cum- Research Associate

Schedule-III

MODEL TIMELINE

A Model Timeline for the selection process under the Scheme will be as follows:

| S. No. | Activity | Timeline |
|---------------|---|--|
| 1 | Intimation of extension of present Law Clerks' tenures to the Registry and communication of vacancies by Judges' offices to the Registry | End of December |
| 2 | Call for Applications by the Registry | Second week of January |
| 3 | Final Date to Register for the Law Clerk Examination | By end of first week of February |
| 4 | Conducting of Law Clerk Examination (Part I and Part II) | First Sunday of March |
| 5 | Declaration of Results of Part I and Part II Examination on Registration Portal and uploading the List of candidates to be called for the interview on Supreme Court website | Third week of April |
| 6 | Submission of Preference List by shortlisted candidates | By 24th April |
| 7 | Registry sending shortlisted candidates' names to Judges' offices and Residential Offices arranging online interview of candidates with respective Judges in coordination with Registry | From last week of April to end of second week of May |
| 8 | Judge's Confirmation of Law Clerks in their office and communication to Registry | By 15th May |
| 9 | Registry's communication to selected Law Clerks in Judges' offices | Fourth week of May |
| 10 | Preparation of Reserve Pool based on candidates' willingness and Waitlist | First week of June |

| S. No. | Activity | Timeline |
|---------------|---|---|
| 11 | Orientation and Training (online/physical) of qualified Law Clerks to be organized by Centre for Research and Planning or Training Cell of the Registry | Last week of June |
| 12 | Joining of Law Clerks in the Judges' offices and in the Reserve Pool | On re-opening of the Supreme Court after summer vacations |



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