

HIGH COURT OF MADRAS

Guidelines for Appointment of Law Clerks to 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 appointment of Law Clerks to Hon'ble Judges in the Madras High Court (including Madurai Bench):-

1.Short Title :- This Guidelines provided herein after shall be known as "Guidelines for Appointment of Law Clerks to Hon'ble Judges for 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 High Court of Madras
- (ii)."Judge" means Hon'ble Judges of 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).

3.Appointing Authority :- The appointing authority for the assignment as Law Clerk to the Hon'ble Judges shall be the Hon'ble The Chief Justice.

4.Age :-

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

5.Eligibility criteria:-

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

(ii).Candidates who have passed all his/her Examinations within the duration of their Course are alone eligible to apply.

(iii).Candidates who have obtained his/her Law Degree not earlier than two years as on the date of Notification, are only eligible to apply for the assignment as Law Clerk.

(iv).Candidates pursuing Post Graduate Degree in Law or any other Degrees or Programmes requiring their compulsory attendance elsewhere are not eligible to apply for the assignment as Law Clerk.

6.Period of Assignment and De-assignment of Law Clerks :-

(i).Law Clerks will be adhoc appointees and their engagement shall be initially for a period of one year from the date of their taking up their assignment, which can be extended for a further period of not exceeding one more 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 Law Clerk 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 of Law Clerk within the period specified in their order of appointment. No request for extension of time for joining the assignment of Law Clerk will be entertained, under any circumstances.

(iv).Law Clerks shall not be treated or deemed to be a regular employee in the Madras High Court Service.

(iv).Any Law Clerk intended to leave the assignment as Law Clerk 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 attached.

7.Selection Process :-

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

(ii).Prominent Law Schools/Universities may recommend their Alumini residing at Chennai.

(iii).Such applications shall be made in the form as prescribed in the Annexure-I, which can be downloaded from the Madras High Court website (www.hemadras.tn.nic.in) and it should be accompanied with the copies of documents, as enumerated therein.

(iv).Eligible Candidates will have to appear for Viva voce at Madras in their own expenses on the date, time and venue to be intimated to them.

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

(vi).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.

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

8.Duties and Responsibilities assigned to Law Clerks :-

Law Clerk is expected to assist Hon'ble Judges not only in the Judicial work but also in Administrative work.

Judicial :-

(i).Reading of case files, preparation of the case including case summary and notes, chronology of events.

(ii).identifying facts and issues, questions that may arise or may need to be addressed.

(iii).Research work including case Laws, Articles, Papers and in assisting in preparation of judgments, corrections and editing.

(iv).Presence in Court during hearing of cases, notes of arguments, research on citations.

Administrative :-

(i).Maintaining case files.

(ii).Preparation of research or academic papers, speeches assistance in important conferences.

(iii).Being aware of court procedures viz., method of filing of various categories of cases, provisions of law, movement of cases before and after filing, etc.,

(iv).Statistical reports including timely delivery of judgments.

(v).Maintenance of books, other research papers and materials.

and such other works entrusted by the Hon'ble Judge to whom the Law Clerk is attached from time-to-time.

(vi).The assignment as Law Clerk is on full time basis.

9.Record of Attendance of Law Clerks:-

(i). All the Law Clerks should mark their attendance in the Attendance Register kept in the Room of the Assistant Registrar (Admn.I) in the Principal Seat at Madras and Assistant Registrar(Admn.) at Madurai Bench of the Madras High Court, Madurai, before they proceed to the Chambers of the respective Hon'ble Judge, to whom they are attached.

(ii).If, any of the Law Clerk has been directed to attend the work at the Official Residence of the Hon'ble Judges or elsewhere, the P.A. to Hon'ble Judges attached to the respective Hon'ble Judge shall endorse the request of the Law Clerk and forward the same to the Assistant Registrar (Admn.I) in the Principal Seat at Madras and Assistant Registrar(Admn.) at Madurai Bench of the Madras High Court, Madurai, respectively, for marking the same in the Attendance Register.

10.Leave Entitlement :-

(i).Law Clerks shall be entitled for One day Casual Leave on completion of one Calendar month. The un-availed Casual Leave in a particular month may be carried forward, subject to maximum eligibility of 12 days in a Calendar Year.

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

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

11.Honorarium :-

(i) Each Law Clerk shall be paid a consolidated amount of Rs.30,000/- (Rupees Thirty Thousand Only) per month as Honorarium for their assignment, as per G.O.(Ms).No. 2343, Home (Cts.I) Department, dated 27.11.2018.

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

12.Bar to Practice as Advocate or Taking up Employment :-

(i).No Law Clerk during the currency of their assignment shall be entitled to practice as an Advocate in any Court of Law or Tribunal or Authority and it will be obligatory for them after accepting the assignment as Law Clerk to inform the Bar Council concerned, in writing, that he/she shall not practice as an Advocate as long as he/she continues with the assignment as Law Clerk.

(ii).The Law Clerks during the currency of their assignment shall not be entitled to take up any employment, engagement of whatsoever nature either on full-time or part time basis.

(iii).The Law Clerk shall refrain from practicing before the Hon'ble Judge with whom he/she was attached for a period of two years after relinquishment of his/her assignment as Law Clerk.

13. Conduct of Law Clerk :-

(i).During the assignment, every Law Clerk shall maintain a high standard of reputation and integrity commensurate with the responsibilities entrusted to him/her.

(ii).Similarly, during the period of assignment and at all times, the Law Clerk shall maintain complete confidentiality regarding the work assigned to him/her by the Hon'ble Judge. He/she shall maintain utmost confidentiality in respect of matters which come to his/her notice by virtue of such assignment and shall ensure that no information or document is leaked out because of his/her mishandling of papers or his/her deliberations with others, or in any other manner.

14. Access available to Law Clerks :-

Law Clerks are permitted to access to the Court Halls and Judges Library. However, with prior permission from the Hon'ble Judges they can access into the Computers and Internet in the Chambers of the Hon'ble Judges.

15. Dress Code for Law Clerk :-

(i).**For Male Law Clerks** – Black Full Pant, White Shirt (Full sleeves) with Black Tie and Black Shoes.

(ii).**For Female Law Clerks** – White Blouse with Light Colour Saree (or) White Salwar-kameez with Black Dupatta.

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