

THE HIGH COURT OF MEGHALAYA
SHILLONG

No. HCM.II/85/2016/2312

Dated, Shillong 28th June 2016

SCHEME FOR ENGAGING LAW CLERKS-CUM-LEGAL
RESEARCH ASSISTANTS IN THE HIGH COURT OF
MEGHALAYA

WHEREAS Law Clerks-cum-Legal Research Assistants are required to be attached to the Hon'ble Judges in the High Court to assist in day to day work e.g., searching out case law, articles, papers; taking down notes of arguments and preparing notes on facts of the case; preparing of speech/articles etc. as also in some of the administrative matters, which add to and enrich the knowledge and experience of concerned Law Clerks-cum-Legal Research Assistant also;

AND WHEREAS sanction of **4 (four)** posts of Law Clerks-cum-Legal Research Assistants on fixed honorarium basis, for their attachment with Hon'ble the Chief Justice and with the Hon'ble Judges, has been issued by the Government of Meghalaya under Notification no. **LJ(A) 19/2005/273 dated Shillong, the 27th June, 2016;**

THEREFORE, to obtain the services of best candidates, and with a view to keep transparency in the mode, and modality of engaging such Law Clerks; and for providing qualification / method of selection, brief job chart, general condition of service etc., Hon'ble the Chief Justice, while exercising powers conferred under Article 229 of the Constitution of India, hereby issues the following Guidelines: -

1.Title -

These Guidelines may be called the "***Scheme for engaging Law Clerks-cum-Legal Research Assistants in the High Court of Meghalaya.***"

2.Definitions:

In these Guidelines, unless there is anything repugnant in the subject or context thereof,-

- (a) **Chief Justice** means Hon'ble the Chief Justice of High Court of Meghalaya;
- (b) **Judge** means Hon'ble Judge of High Court of Meghalaya;
- (c) **Law Clerk** means Law Clerk-cum-Legal Research Assistant in the

High Court of Meghalaya;

- (d) **Schedule** means the Schedule appended to these Guidelines;
- (e) **Website** means the official website of the High Court of Meghalaya as may be uploaded from time to time. (At present it is <http://meghalayahighcourt.nic.in>);
- (f) **Universities / Colleges/ Institutions** shall mean the Universities/ Colleges/ Institutions established by law in India and recognized by the Bar Council of India.

3.Term and nature of engagement:

- (1) The Law Clerks shall be engaged on purely temporary and contractual basis initially for a term of 1 (one) year but with option of extension for further period of 2 (two) years maximum, subject to his/her performance to the satisfaction of Hon'ble Judge with whom he/she is attached; but such engagement shall not entail any claim for regular appointment.
- (2) One Law Clerk shall be attached with Hon'ble Chief Justice so also one with each Hon'ble Judge. The surplus Law Clerk, if any, shall be attached as per the orders of the Chief Justice.
- (3) A Law Clerk intending to leave the engagement pre-maturely shall be required to give prior notice, at least of a period of three months.
- (4) Notwithstanding anything elsewhere contained in these Guidelines, if any Hon'ble Judge makes recommendation in writing for premature discharge of the attached Law Clerk and Hon'ble the Chief Justice accepts such recommendation, the concerned Law Clerk may be discharged without any notice.

4. Method of Selection:

- (1) Selection for engaging Law Clerks shall be made by inviting applications from willing candidates by way of the abridged advertisement as prescribed in Schedule I, which shall be published in such manner as may be prescribed by Hon'ble the Chief Justice from time to time.
- (2) Such application shall be made in the form as prescribed in Schedule-II which can be downloaded from the website, and shall be accompanied by the copies of documents, as enumerated in that form.
- (3) Simultaneous to publication of abridged advertisement, the concerned Universities/Colleges/Institutions may also be intimated about the requirement, requesting them to persuade, and forward the applications, of willing candidates, alongwith their recommendation.
- (4) Selection shall be made on the basis of recommendation of a Committee constituted by Hon'ble the Chief Justice.

5.Examination Fee:

Every candidate shall pay non-refundable examination fee of Rs. 100/- (One hundred rupees), through Demand Draft or Postal Order, to be drawn in the name of Registrar General of the High Court of Meghalaya.

6. Nationality and Age:

A candidate seeking engagement as Law Clerk must be a citizen of India and must not have attained the age of 33 (thirty three) years on 1st day of January preceding the last date fixed for submission of the application.

7.Qualifications:

(1) A candidate seeking engagement as Law Clerk must be a fresh law graduate having a Bachelor's Degree in Law (including Integrated Degree Course in Law) from any University/ College/ Institution established by law in India and recognized by the Bar Council of India.

Explanation: A candidate having obtained Bachelor's Degree in Law more than three years before the date of application may not be considered to be a fresh law graduate for the purpose of qualification.

(2) A 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.

(3) A candidate must have basic knowledge of computer including retrieval of desired information from various search engines/ processes such as Manupatra, SCC Online, LexisNexis, Westlaw etc.

8.Disqualifications:

(1) A Law Clerk cannot be a practicing advocate or engaged/appointed elsewhere, on honorarium/payment basis. If enrolled as an advocate or engaged elsewhere, the candidate shall disclose the facts in the application and shall undertake to seek the suspension of enrolment, or to give up other engagement, as the case may be.

(2) A candidate should not be involved in any criminal case, whether convicted or pending trial.

9.Character:

A candidate seeking engagement as Law Clerk must be a person of integrity, honesty and good moral character, for which the candidate will submit certificate of two responsible persons, at the time of submitting

application.

10. Constitution of Committee:

- (1) A Committee shall be constituted by Hon'ble the Chief Justice comprising such number of Hon'ble Judges, as considered appropriate, from time to time, to take interview, and to assess suitability of candidate for engagement as Law Clerk, on the basis of academic career, extra curricular achievements, and performance in personal interview.
- (2) Selection shall be made in the order of merit as recommended by the Committee constituted by Hon'ble the Chief Justice.
- (3) After receipt of the recommendations from the Committee, the formal orders for engagement and attachment of the Law Clerks shall be issued by the Registrar General under the directions of Hon'ble the Chief Justice and, as far as possible, in the proforma in Schedule III.

11. Undertaking:

Before taking over assignment, the Law Clerk shall submit an undertaking in the format prescribed in Schedule IV, before Registrar General of the High Court of Meghalaya.

12. Honorarium:

- (1) A fixed honorarium of **Rs. 15000/- (fifteen thousand rupees)** per month without any dearness or other allowance/perquisite shall be paid to the Law Clerk.
- (2) Proportionate reduction of honorarium shall be made for unauthorised absence, so also for absence beyond permissible period of leave.

13. Attendance and Leave:

- (1) A Law Clerk shall be entitled to one casual leave on completion of one calendar month, and unavailed casual leave will accumulate, until determination of the term of engagement.
- (2) The Hon'ble Judge with whom the Law Clerk is attached shall be the competent authority to sanction his/her leave.
- (3) The Private Secretary of Hon'ble Judge to whom such Law Clerk is attached shall maintain an account of attendance, and casual leave, of the Law Clerk; and will send its intimation on the last working day of each calendar month to the Bill Section, for preparing the bill of honorarium.

14. Duties of Law Clerk:

Without adversely affecting generality of the job, i.e., to assist the

Hon'ble Chief Justice/Judge, the Law Clerk shall perform the following duties, under direct control of the Hon'ble Judge with whom he/she is attached:

- (a) To read the case files, and prepare the case, i.e., case summary and notes and chronology of events in a comprehensive manner, including the legal questions involved, and the relevant case-law having bearing on the case.
- (b) To search and research legal points and principles under the control and guidance of the Hon'ble Judge.
- (c) To search out case law, articles, papers and other relevant material required in discharge of judicial/administrative functions.
- (d) To take down notes of arguments and to prepare notes of cases.
- (e) To identify facts, issues and questions that may arise in the course of arguments, or as may be relevant for judgment.
- (f) To maintain record of judgments by the Hon'ble Judge alongwith the point of law decided in that particular case, and to maintain it in such a manner, as to be very conveniently retrievable.
- (g) To maintain the record of administrative correspondence, administrative files, and, if specifically entrusted, of particular judicial file(s),
- (h) To assist the Hon'ble Judge in preparing any speech/academic paper.

15.Duty Hours:

It is a full time job, and Law Clerk may be required to attend the residential office of the concerned Hon'ble Judge, in addition to normal duty during office hours. The Law Clerk may be required to attend office/residential office even on gazetted/local holidays. However, the time schedule shall be as adjusted by the Hon'ble Judge concerned.

16.Conduct during and after term of assignment:

- (1) A Law Clerk shall maintain devotion to duty, and high moral standards, during the term of engagement. A Law Clerk will not disclose any fact which comes to his/her knowledge on account of such official engagement, during or after completion of term of engagement, unless such disclosure is legally required in discharge of lawful duties.
- (2) The Law Clerk will not accept any other assignment during the term of engagement as Law Clerk.
- (3) After completion of the term, the Law Clerk will not practice for a period of six months in the High Court of Meghalaya, and for a period of 1 year before the Hon'ble Judge, with whom he/she was attached, nor will ever handle a case, with relation to which, he/she had discharged any duty, in any manner, as Law Clerk.

- (4) The Law Clerk will not leave headquarter without seeking permission from the Hon'ble Judge concerned.
- (5) The Law Clerk will not avail leave without getting it sanctioned. In any case of emergency, the Law Clerk will immediately contact and convey to the Private Secretary of the Hon'ble Judge concerned, of his/her inability to attend office.

17.Certificate:

- i. Upon successful completion of the term of engagement of the Law Clerk, a certificate shall be issued by the Registrar General, in the form as is prescribed in Schedule V.
- ii. If the engagement is terminated before completion of the original term due to pre-mature discharge by High Court, or due to voluntarily giving up of assignment by person concerned, no such certificate shall be issued.

18.Publication of the Guidelines:

This *Scheme for engaging Law Clerks-cum-Legal Research Assistants in the High Court of Meghalaya* shall be uploaded on the website. However, the Chief Justice may direct its publication in any other manner also.

**SCHEDULE – I
ABRIDGED ADVERTISEMENT**

Applications for Contractual engagement of _____ (required no.) persons as Law Clerks for a period of 1 Year under terms and conditions mentioned in Scheme for engaging Law Clerks-cum-Legal Research Assistants in the High Court of Meghalaya, which is available on the website <http://meghalayahighcourt.nic.in>, are invited from eligible candidates having essential qualifications. Maximum age of the candidate as on 1st January of year _____ must not be more than 33 years. The application (duly filled up and complete in every manner), must reach the office of Registrar General, High Court of Meghalaya, Shillong on or before _____ during office hours. Form of Application is available on and can be downloaded from the website <http://meghalayahighcourt.nic.in>

Date

Registrar General

High Court of Meghalaya

SCHEDULE – II
HIGH COURT OF MEGHALAYA

Affix passport
sized coloured
photograph duly
signed and
attested

Adv. No. ____/LCLRA/...../

- 1) Name of Post: Law Clerk-cum-Legal Research Assistant
- 2) Name:
- 3) Mother's Name:
- 4) Father's Name:
- 5) Date of Birth:
- 6) Present Address:
- 7) Permanent Address:
- 8) Whether SC/ST/OBC? If so, a certificate to that effect to be enclosed.
- 9) Educational Qualifications with the year of passing, division or class secured in different examination from H.S.L.C./H.S.S.L.C. onwards (Copy of the relevant LL.B. certificate or degree should be furnished).
- 10) Whether enrolled as advocate or engaged/appointed elsewhere? If so, furnish the particulars.
- 11) Whether any Civil or Criminal proceeding is pending by or against you? If so, furnish the details of the case.
- 12) Do you have knowledge of Computer Operations? (Yes/No)
- 13) Whether you have undergone any certificate/diploma course in computer operation from a recognized Institute? If so, please give the particulars _____

14) Number and Date of Bank Demand Draft/Bankers Cheque /Postal Order and Value:

Number _____ Amount: _____ Date: _____

Name of Bank/ Post Office:

Date: _____

(Signature of Applicant)

NB: Please see the notes below:

Notes

1. The candidate should affix a latest taken coloured photograph in passport size with his/her own signatures thereon and duly attested by some Gazetted Officer at the place provided in the application.
2. The envelope containing application should be marked **“APPLICATION FOR THE POST OF LAW CLERK-CUM-LEGAL RESEARCH ASSISTANT”**.
3. One envelope shall contain only one application form. If an envelope contains more than one application form, all such applications shall stand rejected.
4. The candidate must attach with the application form, certified copies of the certificates in support of his/her age and educational qualifications, extra curricular activities and computer knowledge.
5. An application may be sent either by Speed Post, Registered Post A.D. Post, or through Courier; it can also be deposited in the office of the Registrar General of the High Court of Meghalaya during office hours.
6. The defective application, which is not complete in any respect, will be rejected out-right.
7. Any application received after the last date will not be entertained and the High Court will not be responsible for any postal delay.
8. The candidate is required to furnish a checklist along with application form mentioning therein details about the certificates and the testimonials enclosed with the form.
9. Information regarding format of application and other information available on the website of the High Court of Meghalaya at <http://meghalayahighcourt.nic.in> must be read carefully before filling up the application.

SCHEDULE III
OFFER FOR ENGAGEMENT
AS LAW CLERK-CUM-LEGAL RESEARCH ASSISTANT

Under the Scheme for engaging Law Clerks-cum-Legal Research Assistants in High Court of Meghalaya, offer to join within seven days from the date of receipt of this letter is being made broadly on the following terms & conditions: -

1. It is a purely temporary contractual engagement for a period of one year which shall not entail you to claim any regular appointment.
2. Premature discharge from the engagement without notice may be ordered if the concerned Hon'ble Judge makes written recommendation, which is accepted by Hon'ble the Chief Justice.
3. A fixed honorarium of **Rs.15000/- (fifteen thousand rupees)** per month without any dearness or other allowance/perquisite, shall be paid to you. However, proportionate reduction shall be made on account of unauthorized absence so also, for absence beyond the permissible period of leave.
4. You shall be entitled to one casual leave on completion of one calendar month and unavailed casual leave will accumulate until determination of the term of engagement
5. The provisions contained in the Scheme for engaging Law Clerks-cum-Legal Research Assistants in High Court of Meghalaya are binding upon you.
6. On successful completion of term of engagement, a certificate shall be issued to you by the Registrar General.
7. You will maintain devotion to duty, and high moral standards during the term of engagement. You will not disclose any fact which comes to your knowledge on account of such official engagement, during or after completion of term of engagement, unless such disclosure is legally required in discharge of lawful duties.
8. Your principal duties are as follows:
 - (a) To read the case files, and prepare the case, i.e. case summary and notes and chronology of events in a comprehensive manner, including the legal questions involved, and the relevant case-law having bearing

- on the case.
- (b) To search and research legal points and principles under the control and guidance of Hon'ble Judge.
 - (c) To search out case law, articles, papers and other relevant material required in discharge of judicial/administrative functions.
 - (d) To take down notes of arguments and to prepare notes of cases.
 - (e) To identify facts, issues and questions that may arise in the course of arguments, or as may be relevant for judgment.
 - (f) To maintain record of judgments by the Hon'ble Judge alongwith the point of law decided in that particular case, and to maintain it in such a manner, as to be very conveniently retrievable.
 - (g) To maintain record of administrative corresponding, administrative files, and, if specifically entrusted, of particular judicial file(s).
 - (h) To assist the Hon'ble Judge in preparing any speech/academic paper.
9. During the engagement as Law Clerk, you shall not practice in any court of law nor engage yourself in any other professional pursuit. If already enrolled, you will intimate the Bar Council for suspension of Enrollment. If engaged in any other professional pursuit, you shall disengage.
10. That you shall wear a black coat (and in case of male, tie also) during court hours.
11. That you will carry a photo affixed identity card with you so that free access to Court Room, Computer Cell and Library can be given.
12. That after completion of the term, you will not practice for a period of six months in the High Court of Meghalaya, and for a period of 1 year before the Hon'ble Judge, with whom you were attached, nor will ever handle a case, with relation to which you had discharged any duty, in any manner, as a Law Clerk.
13. Breach of any term / condition or any act of indiscipline by you shall attract termination of engagement without notice.

REGISTRAR GENERAL

**SCHEDULE – IV
UNDERTAKING**

I _____ son/daughter of _____
resident of _____ having
been assigned the job of Law Clerk to get practical training and to assist the
Hon'ble Judges in discharge of Judicial/ Administrative functions, do hereby
submit my undertaking and affirm as under: -

That I have carefully read the **SCHEME FOR ENGAGING LAW
CLERKS-CUM-LEGAL RESEARCH ASSISTANTS IN HIGH
COURT OF MEGHALAYA** 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 by the terms of my
engagement; and that I will abide by the same.

Date

Signature

(Name of Law Clerk)

Verified

(Registrar General)

**SCHEDULE V
CERTIFICATE**

To whomsoever it may concern

This is to Certify that Mr./Ms. _____ has
successfully participated in training as Law Clerk-cum-Legal Research
Assistant with Hon'ble Mr. Justice
_____ Chief Justice/ Judge of the High Court
of Meghalaya from _____ to _____;
and his / her performance was found to be Satisfactory/ Good/ Outstanding.

DATE

REGISTRAR GENERAL

