

THE GAUHATI HIGH COURT AT GUWAHATI
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

NOTIFICATION

Dated Guwahati, the 2nd of November, 2024

No. HC.V-34/2020/ 904 /Estt. (Pt.-II) ###

The Gauhati High Court is pleased to hereby notify the "Scheme for Appointment of Law Clerks in the Gauhati High Court and matters incidental thereto" (amended) appended hereto, which shall come into force with immediate effect. The relevant provisions of the aforesaid scheme shall also be applicable to presently engaged Law Clerks in the Principal Seat of the Gauhati High Court.

By Order,

Sd/- Sunil Kumar Poddar

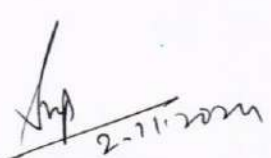
REGISTRAR GENERAL

Memo No.HC.V-34/2020/ 904A /Estt. (Pt.-II)

Dated 02 -11-2024

Copy for information and necessary action to:

1. The Registrar (Vigilance/Admn./Judl./Estt.), Gauhati High Court, Guwahati.
2. The Registrar-cum-Principal Secretary to Hon'ble the Chief Justice, Gauhati High Court, Guwahati.
3. The Secretary, Gauhati High Court Legal Services Committee, Gauhati High Court, Guwahati.
4. The Registrar, Kohima Bench/Aizawl Bench/Itanagar Permanent Bench, Gauhati High Court, Kohima/Aizawl/Itanagar.
5. The Joint Registrar,....., Gauhati High Court, Guwahati.
6. The Director, Directorate of Printing & Stationary, Bamunimaidam, Guwahati-21, with a request to publish this Notification in the next issue of the Official Gazette of Assam and send one copy to this Registry through email.
7. The Project Manager, Gauhati High Court, Guwahati, with a request to upload this order in the official website of the Principal Seat of the Gauhati High Court.
8. The Deputy Registrar....., Gauhati High Court, Guwahati.
9. The Assistant Registrar....., Gauhati High Court, Guwahati.
10. The Librarian-cum-Research Officer, Gauhati High Court, Guwahati.
11. The Private Secretary to Hon'ble Mr./Mrs. Justice, Gauhati High Court, Guwahati.
12. The Chief Security Officer, Gauhati High Court, Guwahati.
13. The Administrative Officer (Judicial),, Gauhati High Court, Guwahati.
14. The Court Officer-I/II, Gauhati High Court, Guwahati.
15. C.A. to Registrar General, Gauhati High Court, Guwahati.
16. The Law Clerks, Gauhati High Court, Guwahati.
17. Order file.


REGISTRAR GENERAL

**SCHEME FOR ENGAGEMENT OF LAW CLERKS IN
THE GAUHATI HIGH COURT AND MATTERS
INCIDENTAL THERETO**

1. The Law Clerks would be engaged by a Committee of Judges nominated by the Chief Justice of the High Court.
2. Graduates in law, Post graduate in law or Doctorate in law from any recognized University in India only would be eligible to apply for engagement as Law Clerks. Candidates practising at the Bar or having professional experience or literary works in law to their credit would get preference.
3. The applications would have to be made in the proforma as may be prescribed from time to time by the competent authority.
4. On receipt of the applications, the same shall be processed by the authority nominated by the Registrar General and would thereafter be placed before the Committee.
5. The Committee would scrutinize the applications and on an assessment thereof shortlist the eligible applicants, who would then be subjected to a recruitment process consisting of a written examination and an interview/viva-voce for assessment of merit and suitability. The modalities fixed for such recruitment process shall be, however, decided by the competent authority of the High Court time to time.
6. The engagements would be made by the Chief Justice of the High Court from the panel of the recommended candidates if so approved by him/her.
7. Each of the Judges of the High Court shall be entitled to have one Law Clerk and the Chief Justice two. Provided, that the Chief Justice may in



his/her discretion increase the number if he/she considers it necessary for the work of any Judge concerned.

8. The tenure of the Law Clerks would be initially for 2 (two) years extendable by another 1 (one) year. The extension of the initial term would be contingent on the recommendation of the Judge or Judges concerned to whom the Law Clerk had been attached.
9. The engagement of a Law Clerk may at any time be terminated without assigning any reason if so recommended by the Judge under whom he/she is working.
10. At the time of joining, every Law Clerk would undertake in writing that he/she would strictly adhere to the code of conduct appended hereto and that in case of any breach thereof, his/her services may be terminated by the competent authority after considering his/her explanation, if any, to the charge of such violation.
11. The salary payable to the Law Clerks would be Rs. 30,000/- (Rupees Thirty Thousand) only, per month or such higher amount as may be fixed by the Chief Justice of this Court in his/her discretion and as may be deemed fit and necessary, with due approval of the State Government.
12. The Law Clerk shall be subject to the Rules as applicable to the employees of this Court as to conduct and matters not specifically provided for in this Scheme.
13. After expiry of the term of the Law Clerk, he or she shall be debarred from appearing as an Advocate before the Court of the Hon'ble Judge with whom he or she was attached as a Law Clerk for 1 (one) year.



DUTIES AND FUNCTIONS OF LAW CLERKS

- (a) The Law Clerk shall conduct such research as to facts and law on any case or cases pending before the Judge to whom he/she is attached as and when he/she is entrusted to do so by the judge concerned. The Law Clerk would conduct the research in printed or in electronic form, statute, resolution, text etc. on the related question of law and report the result of such research to the Judge orally or in writing as required. In doing so, the Law Clerk would have to analyse various factual aspects and facets of law involved.
- (b) The Law Clerk may participate in the oral discussion of the Judge in the residence of the Judge or in the Judges chamber or at the discussion amongst Judges who are hearing a case or have heard the case to the extent allowed by the Judge or Judges concerned.
- (c) 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 containing a summary of the facts of the case, final decision of the court below if any, the reasons therefor and the issues of fact or law thereon for adjudication. Such bench memorandum would fairly represent the contentions of the respective parties without any bias in favour of one party or other. The Law Clerk in the memorandum would not express his/her opinion as to the correctness or otherwise of any plea of any of the parties, but may indicate as to whether a particular plea is supported by or is contrary to any documentary or oral evidence or any precedent of the Supreme Court or any High Court. The Law Clerk would be obliged to keep the contents of the Bench memorandum and his/her discussions with the Judge absolutely confidential.
- (d) The Registry would also maintain absolute confidentiality of the Bench memorandum and follow a procedure by which even when files of the cases are circulated to the residences or chambers or court halls, the Bench memorandum is kept absolutely confidential. Alternatively, a Bench



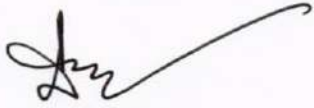
memorandum would be maintained confidentially at the residence of the Judges only and in case of need for consultation therewith in court, the Judge concerned would issue necessary directive(s) to the Law Clerk and the Court Master for production thereof.

- (e) In any matter other than final hearing matters, the Law Clerks may prepare such synopsis of facts and conduct research on the law as may be required by the Judge.
- (f) The Law Clerk must conduct necessary research in the Judges library of the High Court or the residential library of the Judge or other 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.
- (g) It shall be the duty of the Law Clerk to attend the residence of the Judge concerned in the mornings and evenings or on weekends and during holidays as may be directed by the Judge concerned.
- (h) It shall be the duty of the Law Clerk to attend the court of the Judge concerned and take notes of the arguments of the counsel.
- (i) The Law Clerk may verify the final judgment prepared by the Judge to ascertain any omission to refer to some arguments of the counsel or the errors as to the facts or grammar or construction of sentences. It shall be his/her duty to draw the attention of the Judge concerned to such omissions or errors, if any.
- (j) The Law Clerk shall also verify the citations of the precedents and compare the names of the respective parties therein. He/she shall also verify the correctness of the quotations from documents or judgments as set out in the final judgment of the Judge concerned.



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- (k) The Law Clerk would assist the Judge concerned in the preparation of any speech or presentation address to be delivered by the Judge on legal matters in conferences, seminars, workshops, symposiums etc.

A handwritten signature in black ink, consisting of a stylized initial followed by a long, sweeping horizontal line that curves upwards at the end.

CODE OF CONDUCT

- (i)** The Law Clerks should uphold the integrity and independence of judiciary and the office. This prescription shall not affect or preclude other more stringent standards required by law, by court order, or by the direction of the Judge under whom the Law Clerk is working.
- (ii)** The Law Clerk should avoid impropriety and appearance of impropriety in all activities.
- (iii)** The Law Clerk would owe to the Judge and the Court complete confidentiality, accuracy and loyalty. He/she would be required to maintain highest standard of conduct and for holding a post of public trust must adhere to the demanding essentials of his/her position.
- (iv)** The Law Clerk must be respectful to the Judge concerned and at the same time be free to exchange his/her views with the Judge in the interest of better administration of justice.
- (v)** The Law Clerk would be required to maintain confidentiality regarding circulations from the Chambers of the other judges, records and other information to which he/she may be a privy.
- (vi)** The Law Clerk should perform his/her duties of the office impartially and diligently.
- (vii)** The Law Clerk must exhibit impartial court room demeanor and should keep aloof from the lawyers appearing in the court and the parties concerned.
- (viii)** The Law Clerk should regulate extra official activities to minimize the risk of conflict with official duties. He/she may write, lecture, teach and speak on non legal subjects and engage in arts, sports and other social and recreational activities which do not affect the dignity of the office or interfere with the performance of his/her official duties.

- (ix)** He/She should not solicit fund/contribution from any court personnel, lawyers or litigants for any charitable activity.
- (x)** He/She should refrain from financial and business dealings that lead to detract from the dignity of the office and the performance of official duties, exploit his/her position or involve himself/herself in frequent transactions with individuals likely to approach the court.
- (xi)** During the clerkship, the Law Clerk should not seek and obtain employment elsewhere.
- (xii)** Neither the Law Clerk nor a member of his/her family residing in the household should accept gift, bequest favour or take loan from any person whose interest has come or is likely to come before the court or from any other person under circumstances that might reasonably be regarded as influencing the performance of Law Clerk's official duties.
- (xiii)** The Law Clerk shall not practice law in any court or undertake to perform legal services for any client during his/her tenure as Law Clerk.
- (xiv)** The Law Clerk shall not receive any other remuneration as compensation for official services from any source other than the High Court.
- (xv)** The Law Clerk should refrain from political activities.

UNDERTAKING

I,, do hereby undertake and accept to strictly adhere to the following code of conduct as Law Clerk:

CODE OF CONDUCT

- (i) I shall uphold the integrity and independence of judiciary and the office. This prescription shall not affect or preclude other more stringent standards required by law, by court order, or by the direction of the Judge under whom I shall work.
- (ii) I shall avoid impropriety and appearance of impropriety in all activities.
- (iii) I would owe to the Judge and the Court complete confidentiality, accuracy and loyalty. I would maintain highest standard of conduct and for holding a post of public trust must adhere to the demanding essentials of my position.
- (iv) I shall be respectful to the Judge concerned and at the same time will be free to exchange my views with the Judge in the interest of better administration of justice.
- (v) I would maintain confidentiality regarding circulations from the Chambers of the other judges, records and other information to which I may be a privy.
- (vi) I shall perform my duties of the office impartially and diligently.
- (vii) I shall exhibit impartial court room demeanor and shall keep aloof from the lawyers appearing in the court and the parties concerned.
- (viii) I shall regulate extra official activities to minimize the risk of conflict with official duties. I may write, lecture, teach and speak on non legal subjects and engage in arts, sports and other social and recreational activities which do not affect the dignity of the office or interfere with the performance of my official duties.
- (ix) I shall not solicit fund/contribution from any court personnel, lawyers or litigants for any charitable activity.

- (x) I shall refrain from financial and business dealings that lead to detract from the dignity of the office and the performance of official duties, exploit my position or involve myself in frequent transactions with individuals likely to approach the court.
- (xi) During the clerkship, I shall not seek and obtain employment elsewhere.
- (xii) Neither me nor a member of my family residing in the household should accept gift, bequest favour or take loan from any person whose interest has come or is likely to come before the court or from any other person under circumstances that might reasonably be regarded as influencing the performance of my official duties.
- (xiii) I shall not practice law in any court or undertake to perform legal services for any client during my tenure as Law Clerk.
- (xiv) I shall not receive any other remuneration as compensation for official services from any source other than the High Court.
- (xv) I shall refrain from political activities.

Further, I,, undertake to abide by and undertake to perform the following duties and functions as Law Clerk:

DUTIES AND FUNCTIONS

- (a) I shall conduct such research as to facts and law on any case or cases pending before the Judge to whom I shall be attached as and when I am entrusted to do so by the judge concerned. I would conduct the research in printed or in electronic form, statute, resolution, text etc. on the related question of law and report the result of such research to the Judge orally or in writing as required In doing so, I would have to analyse various factual aspects and facets of law involved.
- (b) I would participate in the oral discussion of the Judge in the residence of the Judge or in the Judges chamber or at the discussion amongst Judges who are hearing a case or have heard the case to the extent allowed by the Judge or Judges concerned.
- (c) In any matter listed for final hearing before the Court, I shall have to read the file in advance and prepare a brief containing a summary of the facts of

the case, final decision of the court below if any, the reasons therefor and the issues of fact or law thereon for adjudication. Such bench memorandum would fairly represent the contentions of the respective parties without any bias in favour of one party or other. I would not express my opinion in the memorandum as to the correctness or otherwise of any plea of any of the parties, but may indicate as to whether a particular plea is supported by or is contrary to any documentary or oral evidence or any precedent of the Supreme Court or any High Court. I would be obliged to keep the contents of the Bench memorandum and my discussions with the Judge absolutely confidential.

- (d)** The Registry would also maintain absolute confidentiality of the Bench memorandum and follow a procedure by which even when files of the cases are circulated to the residences or chambers or court halls, the Bench memorandum is kept absolutely confidential. Alternatively, a Bench memorandum would be maintained confidentially at the residence of the Judges only and in case of need for consultation therewith in court, the Judge concerned would issue necessary directive(s) to me and the Court Master for production thereof.
- (e)** In any matter other than final hearing matters, I shall prepare such synopsis of facts and conduct research on the law as may be required by the Judge.
- (f)** I shall conduct necessary research in the Judges Library of the High Court or the residential library of the Judge or other library or through internet and shall keep myself 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.
- (g)** It shall be my duty to attend the residence of the Judge concerned in the mornings and evenings or on weekends and during holidays as may be directed by the Judge concerned.
- (h)** It shall be my duty to attend the court of the Judge concerned and take notes of the arguments of the counsel.
- (i)** I shall verify the final judgment prepared by the Judge to ascertain any omission to refer to some arguments of the counsel or the errors as to the facts or grammar or construction of sentences. It shall be my duty to draw the attention of the Judge concerned to such omissions or errors, if any.
- (j)** I shall also verify the citations of the precedents and compare the names of the respective parties therein. I shall also verify the correctness of the

quotations from documents or judgments as set out in the final judgment of the Judge concerned.

- (k) I shall assist the Judge concerned in the preparation of any speech or presentation address to be delivered by the Judge on legal matters in conferences, seminars, workshops, symposiums etc.

Name (in full):

Date:

Signature