

HIGH COURT OF HIMACHAL PRADESH, SHIMLA

No.HHC/Rules/LC-2014-

Dated:14.7.2014.

NOTIFICATION

For assisting Hon'ble the Chief Justice and Hon'ble Judges in the Judicial work e.g. searching out case law, articles, papers, taking down notes of arguments, preparation of notes about facts of the case, in administrative work etc. the posts of Law-Clerks-cum-Research Assistants have been created on the establishment of High Court of Himachal Pradesh, on contract basis by the Govt. of Himachal Pradesh.

Therefore, in order to provide modalities for engaging Law Clerks, their qualifications, method of selection, job description, general conditions of job etc. Hon'ble the Chief Justice in exercise of powers vested in him under Art.229 of the Constitution of India, hereby frames the following Rules:-

1	SHORT TITLE AND COMMENCEMENT	The Rules provided herein after shall be called as "Rules for Engaging Law Clerks-cum-Research Assistants in Himachal Pradesh High Court", which shall come into force from the date of their publication in official website of High Court of Himachal Pradesh.
2	DEFINITIONS:	Unless there is anything repugnant in the subject or context or otherwise: (i) " Accounts Branch " means the Accounts Branch of the Himachal Pradesh High Court. (ii) " Chief Justice " means the Hon'ble the Chief Justice of Himachal Pradesh High Court. (iii) " He " includes " She " (iv) " Judge " means Hon'ble Judge of Himachal Pradesh High Court. (v) " Law Clerk " means Law Clerk-cum-Research Assistant. (vi) " Registrar General " means Registrar General of Himachal Pradesh High Court.

		<p>(vii) "Schedule" means schedule attached to these Rules.</p> <p>(Viii)"Universities/College/Institutions" means the Universities/Colleges/Institutions established by law and recognized either by H. P. Government or H.P. University.</p> <p>(ix) "Website" means official website of Himachal Pradesh High Court as may be updated from time to time.(At present it is hphighcourt.nic.in)</p>
3	<p>TERM AND NATURE OF ENGAGEMENT</p>	<p>(i) Law Clerks shall be engaged purely on contractual basis for a term of one year subject to performance of his duties to the satisfaction of Hon'ble Chief Justice and Hon'ble Judge with whom he is attached, which shall not entitle him to claim any regular appointment. However, the term of engagement may be extended by one year but no more, solely at the discretion of Hon'ble the Chief Justice.</p> <p>(ii) Hon'ble Chief Justice shall be entitled to have two Law Clerks and each of the Hon'ble Judge shall be entitled to have one Law Clerk.</p> <p>Provided that Hon'ble the Chief Justice may in his discretion increase the number of Law Clerks with any Hon'ble Judge, taking into consideration the nature and quantity of work pending with the Hon'ble Judge.</p> <p>(iii) The appointment of a Law Clerk may at any time be terminated without assigning any reasons, if so recommended by the Hon'ble Judge concerned.</p> <p>(iv) A Law Clerk intending to leave assignment at a premature stage shall be required to give prior notice of one month to the Registrar General or to forfeit one month's honorarium in lieu of notice period. However, Hon'ble the Chief Justice may in his discretion waive the period of notice or the forfeiture of honorarium in lieu of notice.</p>

4	METHOD OF SELECTION	<p>(i) Selection of the law clerks shall be made by notifying requirement, and thereby inviting applications from willing candidates. The proforma of abridged advertisement shall be as prescribed in Schedule-I.</p> <p>(ii) The application shall be made in the form prescribed in Schedule-II which can be downloaded from website, and it must be accompanied with the copies of documents, as enumerated therein.</p> <p>(iii) Simultaneous to publication of abridged notification, Registrars of Universities, Colleges/ Institutions may also be intimated about the requirement, requesting them to persuade, and forward applications, of willing candidates, along with their recommendations.</p> <p>(iv) Calendar given in Schedule-III shall, as far as possible, be adhered to for filling up the vacancies of Law Clerks subject to such modifications, variations or exceptions, if any, as the Hon'ble the Chief Justice may from time to time specify.</p> <p>(v) Selection shall be made on the basis of recommendations of a Committee, constituted by Hon'ble the Chief Justice.</p>
5	EXAMINATION FEES	<p>Every candidate shall pay Rs. 100/- as examination fee, through Demand Draft issued by any registered banking institution or Postal Order to be drawn in the name of Registrar General or through any other mode of payment of fee as may be notified in advertisement/notice under directions of Hon'ble the Chief Justice.</p>
6	SELECTION AND APPOINTMENT	<p>(I) A committee shall be constituted by Hon'ble the Chief Justice comprising of such number of Judges, as Hon'ble the Chief Justice deems</p>

		<p>fit to take interview, and to assess suitability of candidates, on the basis of academic career, extra-curricular achievements, and performance in personal interview.</p> <p>(ii) Committee shall draw a list of selected candidates in the order of merit and shall forward it to Hon'ble the Chief Justice.</p> <p>(iii) On the recommendations of the committee, the appointment and attachment of Law Clerks shall be made by Hon'ble the Chief Justice.</p> <p>Provided that if any post of Law Clerk falls vacant due to any reason whatsoever, Hon'ble the Chief Justice may appoint any other candidate as a Law Clerk.</p>
7	AGE AND NATIONALITY	<p>(i) A candidate must not be below the age of 21 years and above the age of 30 years on the last date fixed for submission of the application.</p> <p>(ii) He must be a citizen of India.</p>
8	QUALIFICATION	<p>(i) A candidate must be a fresh Law Graduate or post graduate in law from Universities/ College/ Institutions.</p> <p>(ii) A candidate must have knowledge of computer.</p>
9	DISQUALIFICATION	<p>(i) A candidate must not have more than one living spouse, unless permitted by the Personal Law applicable to him.</p> <p>(ii) A candidate should neither have been convicted by any competent Court of Law nor should any criminal case be pending against him.</p>
10	CHARACTER	<p>A candidate must be man of integrity, honesty and good moral character, wherefor he will submit a Character Certificate issued by a Gazetted Officer, or Head of Department or Institution where he has been studying.</p>

		Such certificate should have been issued within three months preceding the last date of receipt of application notified in the advertisement.
11	HONORARIUM	<p>(i) A fixed honorarium of Rs. 10,000/- without any dearness or other allowance/perquisite shall be paid per month to the Law Clerk.</p> <p>(ii) Proportionate reduction of honorarium shall be made for unauthorized absence from duty.</p> <p>(iii) The Law Clerk shall be entitled to TA/DA if required to go on tour in connection with his official duties at the same rate as may be approved by Hon'ble the Chief Justice from time to time.</p>
12	ATTENDANCE AND LEAVE	<p>(i) A Law Clerk shall be entitled to casual leave of one day on completion of one calendar month. Un-availed casual leave will be credited in his account up to the end of the calendar year. However, any un-availed casual leave at the end of the calendar year shall not be carried forward to the next calendar year. Any en-cashment of un-availed casual leave shall not be permissible.</p> <p>(ii) No leave of any other kind shall be admissible to the Law Clerk.</p> <p>(iii) Hon'ble the Chief Justice or Hon'ble Judge with whom the Law Clerk is attached, shall be competent authority to sanction his leave.</p> <p>(iv) Principal Private Secretary to Hon'ble the Chief Justice and Secretary of Hon'ble Judge to whom such Law Clerks are attached shall maintain account of attendance, and casual leave, of the Law Clerks, and will send its intimation on last working day of each calendar month to the Accounts Branch, for preparing bill of honorarium.</p>
13	DUTIES AND FUNCTIONS OF LAW	(i) Without adversely affecting generality of the job, i.e. to

CLERKS

assist Hon'ble the Chief Justice or Hon'ble Judge, in discharge of judicial and administrative functions, the Law Clerk shall perform following duties, under direct control of Hon'ble the Chief Justice or Hon'ble Judge with whom he is attached.

a. To read the file in advance and prepare a brief note containing a summary of facts of the case, final decision of the court below, if any, the reasons therefor and the issues of the fact or law thereon for adjudication. Such brief would fairly represent the contentions of the respective parties without any bias. The brief so prepared need not contain any 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 Hon'ble Supreme Court or any High Court. The Law Clerks shall have to maintain absolute confidentiality at all times in respect of matters entrusted to him.

b. To conduct necessary research in the Judges library of the High Court, or the residential or the court library of the Hon'ble Judge or any other library or through internet.

c. To take down notes of arguments and to prepare notes of the cases.

d. To identify facts, issues and questions that may arise in the course of arguments, or as may be relevant for delivery of judgment.

e. To maintain record of judgments delivered by the Hon'ble the Chief Justice or Hon'ble Judge along with law point decided in that particular case in such a manner, so that it is

		<p>conveniently retrievable, as and when needed by the Hon'ble the Chief Justice or Hon'ble Judge.</p> <p>f. To maintain record of administrative correspondence, administrative files, and, if specifically entrusted, of a particular judicial file or files.</p> <p>g. To attend his assignment at the residence of the Hon'ble the Chief Justice or Hon'ble Judge concerned in the mornings and evenings or on weekends and during holidays as may be directed by the Hon'ble Judge concerned.</p> <p>h. To verify the citations of the precedents, compare the names of the respective parties therein and to verify the correctness of the quotations from documents or judgments as set out in the final Judgment of Hon'ble the Chief Justice or Hon'ble Judge concerned.</p> <p>i. To act as a Reporter of ILR (H.P.Series) and to collect the authenticated copies of reportable judgments from the Hon'ble Court concerned, to propose head notes, to cull out the judgments cited, referred, approved, relied upon and dissented in the judgments.</p> <p>j. To report at the Himachal Pradesh Judicial Academy on every non-working Saturday of Hon'ble High Court except second Saturday and to handover the authenticated copies of reportable judgments and head notes prepared by him to the Director or the Joint Director or the Deputy Director of Himachal Pradesh Judicial Academy, or any other officer nominated by the Director as the case may be, for being included in the ILR (H.P. Series) to be published from time to time.</p>
14	CONDUCT DURING AND AFTER TERM OF ASSIGNMENT	(i)The Law Clerk shall maintain devotion to duty and high standards of moral during the term of assignment. He will not

disclose any fact which comes to his knowledge on account of such official attachment, during or after completion of term of assignment, unless such disclosure is legally required in discharge of his lawful duties.

(ii) The Law Clerk shall maintain high dignity and uphold independence of judiciary and his office. This prescription shall not affect or preclude him from adhering to other more stringent standards required to be maintained by law or by court order, or by the direction of the Hon'ble the Chief Justice, or Hon'ble Judge under whom the Law Clerk is working.

(iii) The Law Clerk shall meet the demands of propriety and avoid exhibition of any impropriety in all cases.

(iv) The Law Clerk shall owe to the Hon'ble the Chief Justice, Hon'ble Judge and the court, complete confidentiality, accuracy and loyalty. He shall be required to maintain highest standards of conduct.

(v) The Law Clerk shall exhibit impartial demeanor in the court room and shall keep himself aloof from lawyers and the parties concerned.

(vi) The Law Clerk shall properly regulate his extra official activities to minimize the risk of conflict with his official duties.

(vii) The Law Clerks shall not solicit fund/contribution from any court personnel, lawyers or litigants for any activity charitable or otherwise.

(viii) The Law Clerk shall refrain from engaging financial and business dealings that lead to compromising with the dignity of his office and detract him from the performance of his official duties or exploit his position or involve himself in frequent transactions with individuals likely to approach the court.

(ix) Neither the Law Clerk nor a member of his family residing with him should accept gift, bequest, favour or loan from any person who has or is likely to approach the court or from any other person under circumstances that might

	<p>reasonably be regarded as influencing the performance of official duties of Law Clerk.</p> <p>(x) The Law Clerk shall refrain from associating himself in Political activities.</p> <p>(xi) The Law Clerk shall not accept any other assignment whether full time or part time during term of his assignment as Law Clerk.</p> <p>(xii) The Law Clerk shall not practice for a period of one year in Himachal Pradesh High Court, and for a period of 3 years before Hon'ble the Chief Justice/Hon'ble Judge, with whom he was attached, nor will ever handle a case, in relation to which he has discharged any duty, in any manner, as a Law Clerk.</p> <p>(xiii) The Law Clerk shall not leave headquarter without seeking permission from Hon'ble the Chief Justice/Hon'ble Judge concerned.</p> <p>(xiv) The Law Clerk shall not avail leave unless it is sanctioned by the competent authority. In any case of emergency, he shall immediately contact and convey Principal Private Secretary of Hon'ble the Chief Justice or Secretary of Hon'ble Judge concerned, as the case may be, or his inability to attend office.</p> <p>(xv) The Law Clerk shall have to submit a certificate of his fitness from a Government/Registered Medical Practitioner.</p> <p>(xvi) The Law Clerk shall be entitled to TA/DA if required to go on tour in connection with his official duties at the same rate as may be approved by the Hon'ble the Chief Justice from time to time.</p> <p>(xvii) The employees Group Insurance Scheme as well as CPC/GPF/EPF will not be applicable to the Law Clerks.</p>
16	<p>UNDERTAKING</p> <p>Before taking over assignment, Law Clerk shall submit an undertaking in the format prescribed in Schedule IV, before Registrar General of the Himachal Pradesh High Court.</p>

17	CERTIFICATE	(i) On successful completion of term of assignment, a certificate shall be issued by the Registrar General, in the form prescribed in Schedule-V . (ii) If the assignment is terminated before completion of original term, due to premature discharge by High Court, or due to voluntarily giving up assignment, by Law Clerk concerned, no such certificate shall be issued. However, on the request made in writing, by the Law Clerk concerned, Hon'ble the Chief Justice in his discretion, may give directions for issuance of the said certificate even for the incomplete term or assignment.
18	TRAINING	The newly inducted Law Clerks shall undergo five days induction training to enhance their skills and knowledge, in the Himachal Pradesh Judicial Academy.
19	PUBLICATION OF THE SCHEME	(I) These Rules shall be uploaded on website of High Court of Himachal Pradesh. (ii) Hon'ble Chief Justice may, direct publishing of these Rules in any other manner also.

BY ORDER

REGISTRAR GENERAL

Endst. No. HHC/Rules/LC-2014-

Dated: 14.7.2014

Copy forwarded for information to:-

- 1) The Deputy Registrar-cum-Special Private Secretary to Hon'ble the Chief Justice;
- 2) The Principal Secretary (Home) to the Government of Himachal Pradesh, Shimla-2.
- 3) The L.R.cum-Principal Secretary(Law) to the Government of Himachal Pradesh, Shimla-2
- 4) The Member Secretary/Administrative Officer, HP State Legal Services Authority, Shimla.
- 5) The Director/Deputy Director/Joint Director, H.P. Judicial Academy, Shimla-5.
- 6) The Accountant General (Audit), H.P., Shimla-3.
- 7) The Accountant General (A&E), H.P., Shimla-3.
- 8) All the Additional Registrars;
- 9) All the Deputy Registrars/Assistant Registrars/Court Masters/ Secretaries;
- 10) Chief Librarian/All the Section Officers/Marriage Counsellor/Protocol Officer/ Public Relations

Officer ;

- 11) The NIC Officer posted in the High Court with a request to update the High Court website;
- 12) The Secretary/Private Secretary/P.As to the Registrar General/ Registrar (Rules))/ Registrar (Vigilance)/Registrar(Judicial)/Registrar (Admn);
- 13) The Section Officer (Computer) for compliance in terms of the office order dated 8.1.2014.
- 14) Guard File.

(From Sl. Nos.1 and 8 to 13, High Court of H.P. at Shimla).

(Sushil Kukreja)
Registrar (Rules)

Schedule-I
ABRIDGED ADVERTISEMENT

Applications are invited from interested and eligible fresh Law Graduates for contractual engagement of(required nos.) Law Clerks-cum-Research Assistants for a period of 1 year under terms and conditions mentioned in Rules for engaging Law Clerk-cum- Research Assistant in Himachal Pradesh High Court, which are also available on the website of H.P. High Court hphighcourt.nic.in on fixed contractual amount of Rs. 10,000/- per month. The candidate must not be below the age of 21 years and should not be more than 30 years of age on the last date of receipt of applications. The application (duly filled in and complete in every manner) must reach in the office of **Registrar General, Himachal Pradesh High Court, Shimla on or before.....**during office hours. Form of Application is available and can be downloaded from the website hphighcourt.nic.in.

By Order

Date:

**Registrar General
Himachal Pradesh High Court**

Schedule-II

HIGH COURT OF HIMACHAL PRADESH

Application for the post of Law Clerk-cum-Research Assistant

1. Name.....

Paste your Recent passport Size Photo Graph here
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2. Father's Husband's Name.....

3. Date of Birth:.....

4. Academic Qualification:.....

5. Detail of examinations passed from matriculation onwards:

Sl. No	Year	Examination passed	%age of marks	Name of Board/University
1.	2.	3.	4.	5.

6. Permanent Address.....
.....

7. Address for correspondence.....
.....

Signature of the Candidate

Place:

Date:

Verification

Verified that the above information is true and correct to the best of my knowledge.

No part of it is false or incorrect and no material has been concealed therefrom.

Verified this on.....day of(Month).....
(year at.....)

Signature of the candidate

List of documents attached/Check list:

1. Attested copy of matriculation certificate
2. Attested copy of 10+2 certificate
3. Attested copy of Graduation Degree/DMC, if any.
4. Attested copy of Post-Graduation Degree, if any.
5. Attested copy of Degree/Detail Marks Card in Law.
6. Character Certificate.
7. Attested copy of any other educational qualification.

Schedule III

CALENDAR

1. **Determination of availability of seats:** Last working day of March.
2. **Sending intimation to Registrar of Institutions concerned etc. and publishing of Advertisement on the website of High Court:** Abridged advertisement in News paper: Second Saturday of April.
3. **Last date for submitting Application:** 30th April.
4. **Scrutiny of applications and publishing list of eligible and ineligible candidates on the website of High Court:** By 15th May.
5. **Issuance of Call Letters to eligible candidates:** Up to 30th May.
6. **Interview:** By 15th June.
7. **Dispatch of Letters of Offer of engagement as Law Clerk-cum-Research assistant:** Upto 25th June.
8. **Joining:** Within seven days of receiving Letter of Offer of engagement.

SCHEDULE-IV

UNDERTAKING

I.....son/Daughter of..... Resident of
.....having been assigned job of
Law Clerk-cum-Research Assistant to get practical
training and to assist Hon'ble Judge in discharge of
Judicial/Administrative/Official/Semi-Official
functions, do hereby submit my undertaking and
affirm as under:-

That I have carefully read the **Rules for
engaging law Clerks-Cum-Research Assistants in
Himachal Pradesh High Court** and have fully
understood the provisions contained therein. I
understand and do undertake that I am bound by the
provisions contained in the above Rules and that I
will abide by the provisions of the same and in case
of any breach of such Rules on my part, I shall be
bound to face the consequences as provided in the
same.

Date

Signature

(Name of Candidate)

Verified

(Registrar General)

SCHEDULE V

CERTIFICATE

TO WHOM SO EVER IT MAY CONCERN

It is to certify that Mr./Mrs/.Miss/
..... son/Daughter/wife of.....
resident ofhad successfully
performed duties as law clerk-cum-Research Assistant
w.e.f..... to He was
attached in the Court of Hon'ble Mr.
Justice..... Hon'ble the
Chief Justice/ Hon'ble Judge of Himachal Pradesh
High Court and his performance was found to be
satisfactory/good/outstanding.

DATE:

REGISTRAR GENERAL

LETTER OF OFFER

Upon selection of Mr./Mrs./Miss.....Son/
Wife/Daughter of.....resident
of.....as Law Clerk-cum-Research
Assistant under the provision of Rules for engaging
Law Clerk-cum-Research Assistant in Himachal Pradesh
High Court, offer to join within seven days from the
date of receipt of this letter is being made broadly
on following terms & conditions:-

- 1) That you shall be on purely contractual assignment for a period of one year which shall not entitle you to claim any regular appointment.
- 2) A fixed honorarium of Rs.10,000/- 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/absence beyond permissible period of leave.
- 3) You shall be on entitled to one casual leave only on completion of one calendar month and un-availed casual leave will accumulate up till the end of calendar year. No casual leave shall be carried forward to next Calendar year and no encashment of such casual leave shall be permissible. You shall not be entitled to any other kind of leave.
- 4) The provisions contained in Rules for engaging Law Clerks-cum-Research Assistants in Himachal Pradesh High Court, which are available on the website of High Court, are binding upon you, and breach of any term/condition of the said Rules or any indiscipline by you shall attract termination of assignment without assigning any reason or notice.
- 5) On successful completion of term of assignment, a certificate by the Registrar General shall be issued, on the prescribed format.
- 6) You will maintain devotion to duty and high moral

standards, during the term of assignment. You will not disclose any fact which comes to your knowledge on account of such official attachment, during or after completion of term of assignment, unless such disclosure is legally required in discharge of your lawful duties.

- 7) You shall maintain high dignity and uphold independence of judiciary and that of your office. This prescription shall not affect or preclude you from adhering to other more stringent standards required to be maintained by law or by court order, or by the direction of the Hon'ble the Chief Justice/Hon'ble Judge under whom you are working.
- 8) You shall meet the demands of propriety and avoid exhibition of any impropriety in all cases.
- 9) You shall owe to Hon'ble the Chief Justice/Hon'ble Judge and the court complete confidentiality, accuracy and loyalty. You shall be required to maintain highest standards of conduct.
- 10) You shall exhibit impartial demeanor in the court room and shall keep yourself aloof from lawyers and the parties concerned.
- 11) You shall properly regulate your extra official activities to minimize the risk of conflict with your official duties.
- 12) You shall not solicit fund/contribution from any court personnel, lawyers or litigants for any activity, charitable or otherwise.
- 13) You shall refrain from engaging financial and business dealings that lead to compromising with the dignity of your office and detract you from the performance of your official duties or exploit your position or involve yourself in frequent transactions with individuals likely to approach the court.
- 14) Neither you nor a member of your family residing with you shall accept gift, bequest, favour or

loan from any person who has or is likely to approach the court or form any other person under circumstances that might reasonably be regarded as influencing in the performance or official duties of Law Clerk-cum-Research Assistant.

- 15) You shall refrain from associating yourself in political activities.
- 16) You shall not accept any other assignment whether full time or part time during term of your assignment as law Clerk-cum- Research Assistant.
- 17) You shall not practice for a period of one year in Himachal Pradesh High Court, and for a period of 3 years before Hon'ble Judge, with whom you are attached, nor will ever handle a case, in relation to which you had discharged any duty, in any manner, as Law Clerk-cum-Research Assistant.
- 18) You shall not leave headquarter without seeking permission from Hon'ble the Chief Justice/Hon'ble Judge concerned.
- 19) You shall not avail leave unless it is sanctioned by the competent authority. In any case of emergency, you shall immediately contact and convey principal Private Secretary of Hon'ble the Chief Justice or Secretary of Hon'ble Judge concerned, as the case may be, of your inability to attend office.
- 20) You shall wear a black coat (and in case of male, tie also) during court hours.
- 21) You shall carry a photo-identity card issued by the Registrar General with you so that free access to court room, computer cell and library can be given.
- 22) You shall have to submit a certificate of your fitness from a Government/Registered medical practitioner.
- 23) You shall be entitled to TA/DA if required to go on tour in connection with your official duties at the same rate as may be approved by the Hon'ble the Chief Justice from time to time.

- 24)The Employees Group Insurance Scheme as well as CPS/GPF/EPF will not be applicable to you.
- 25)You shall be required to perform the duties and functions, as mentioned in the Rules for Engaging Law Clerks-cum- Research Assistants in Himachal Pradesh High Court, and also the duties and functions, as may be assigned by the Hon'ble the Chief Justice or Hon'ble Judge concerned.
- 26)Breach of any term/condition or any indiscipline by you shall attract termination of assignment without assigning any reason or notice.

REGISTRAR GENERAL