

A-45011/43/2022-Ad.IV-MCA
Government of India
Ministry of Corporate Affairs

5th Floor, 'A' Wing, Shastri Bhawan
Dr. Rajendra Prasad Road, New Delhi-110001
Dated the 12 Oct., 2023

To

1. The Registrar
National Company Law Appellate Tribunal
2nd & 3rd Floor, Mahanagar Doorsanchar Sadan
(M.T.N.L. Building), 9, CGO Complex, Lodhi Road
New Delhi – 110003
2. The Secretary
National Company Law Tribunal
6th Floor, Block-3, CGO Complex
Lodhi Road, New Delhi-110003

Subject- Scheme for engagement of Law Research Associates in NCLAT and NCLT reg.

Sir,

I am directed to to the refer above subject and to state that the competent authority has approved the Scheme for engagement of Law Research Associates in NCLAT and NCLT. Accordingly, the same is hereby forwarded to NCLAT and NCLT for necessary action.

Encl: As above

Yours faithfully



(Riazul Haque)

Under Secretary to the Govt. of India
Tel No: 2338 1349

“Scheme for engagement of Law Research Associates in NCLAT and NCLT”

1. **Short Title:** - This Scheme provided herein after shall be known as “Scheme for Appointment of Law Research Associates in all benches of the NCLAT and NCLT”.

2. **Definitions:** - Unless there is anything repugnant in the subject of context-

- a. "Appellate Tribunal" means the National Company Law Appellate Tribunal;
- b. "Chairperson" means the Chairperson of the Appellate Tribunal;
- c. "Law Research Associate" means a law researcher engaged on a purely short-term contractual basis, who assists Members of the Tribunal or the Appellate Tribunal by maintaining and organizing case files, conducting relevant research on the related question of law, reporting the result of such research to the Member orally or in writing as required, taking notes of the arguments of the counsel and performing any other work as directed by the Member ;
- d. "Member" means a member, whether Judicial or Technical of the Tribunal or the Appellate Tribunal and includes the President or the Chairperson, as the case may be;
- e. "President" means the President of the Tribunal;
- f. "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.
- g. "Tribunal" means the National Company Law Tribunal ; and
- h. "Website" means the official website of the Tribunal or Appellate Tribunal.

3. **Engaging Authority:** - The Engaging Authority for the assignment as Law Research Associates to the Members, shall be the President for the Tribunal or the Chairperson for the Appellate Tribunal, as the case may be.

4. Entitlement for the Services of Law Research Associates

Every court shall be entitled to engage four (4) Law Research Associates (LRA). Every Member shall be entitled to have services of two Law Research Associates.

Total sanctioned strength for Law Research Associates (as per existing strength of Members) will be as under:

NCLAT: Law Research Associate = $2 \times 12 = 24$

NCLT: Law Research Associate = $2 \times 63 = 126$

5. Period of Assignment, De-assignment and Nature of Engagement of Law Research Associates: -

(i) The Law Research Associates (LRA), will be engaged on a purely short-term contractual assignment 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 one year at a time (upto a total period of 3 years), subject to the concurrence of the Member to whom he/she is attached and with the approval of the Engaging Authority. Such engagement shall in no case be extended beyond a period of 3 years.

(ii) The assignment of LRA may be discontinued even before the completion of one year, by giving two weeks' notice, if his/her services are found to be unsatisfactory.

(iii) The Candidates should join their assignment of LRA, within the period specified in their order of appointment. Ordinarily, no request for extension of joining time will be entertained.

(iv) The contractual assignment shall not confer upon the LRA, any right/claim for regular appointment or continuance beyond the period of engagement. LRA shall not be treated or deemed to be a regular employee in the Tribunal or Appellate Tribunal.

(iv) Any LRA intending to leave the assignment within a period of one year shall be required to give prior notice of at least six weeks through the Private Secretary of the Member to whom he/ she has been attached.

6. Age and Nationality :-

- i. A Candidate must not have attained the age of 30 years as on the last date fixed for submission of applications.
- ii. He/she must be a citizen of India.

7. Eligibility criteria:-

- (i) Candidate should be a Graduate in Law (including an Integrated Degree Course in Law under 10+2+3+3 or 10+2+5 pattern) with a minimum aggregate of 50% marks from any School/College/University/Institute established by law in India 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/LLM not earlier than two years as on the date of advertisement or any other date specified in the advertisement, are only eligible to apply for the assignment as Law Research Associate;
 - iv. 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 Research Associate;
 - v. Candidates pursuing Post Graduate Degree in Law or any other Degrees or Programmes requiring their compulsory attendance elsewhere , during part of expected period of engagement as Research Associates, are not eligible to apply for the assignment as Law Research Associate ;
 - vi. The candidate must have research and analytical skills, writing abilities, including retrieval of desired information from various search engines/processes such as eSCR, Manupatra, SCC Online, LexisNexis, Westlaw, etc; and
 - vii. Must have good knowledge of operation of computers and skill of using common software in use like MS office, etc.
 - viii. Must have requisite knowledge of Company law with IBC and in addition, the knowledge of Competition Law for those candidates aspiring for the Appellate Tribunal.

8. Disqualifications

- i. A candidate must not be engaged, or appointed elsewhere on honorarium payment, basis.
- ii. A candidate should not have been involved in any criminal case, whether pending or convicted, for an offence involving moral turpitude.
- iii. A candidate must not be facing any disciplinary proceeding before the Bar Council of India, Bar Council of the State or Institutes or any other authority.

9. Selection Process:-

- i. The Engaging Authority may cause a vacancy circular to be issued through the Secretary/Registrar of Tribunal or Appellate Tribunal as the case may be, stating

location wise number of existing and anticipated vacancies. Selection for the assignment of LRA shall be made by way of inviting applications from willing and eligible Candidates in the format of Annexure-A (Law Research Associates) after making such modifications as may be deemed fit.

- ii. The Engaging Authority reserves the right to cancel, alter or modify the vacancy circular or other terms and conditions of the advertisement without any prior notice.
- iii. All other matters which are not specifically provided in the said vacancy circular shall be decided by the Engaging Authority.
- iv. Such applications shall be made in the specified format which can be downloaded from the Tribunal (<https://nclt.gov.in>) or Appellate Tribunal (<https://nclat.gov.in>) website and it should be accompanied with the copies of documents, as enumerated therein.
- v. Eligible Candidates will have to appear for Viva voce and/or written exam at such places in their own expenses on the date, time and venue to be intimated to them.
- vi. The selection process shall be conducted by the Engaging Authority or a Committee of Members nominated by the Engaging Authority. In case it is conducted by the Committee of Members, such list of selected candidates shall be subject to the approval of the Engaging Authority.
- vii. Selected candidates shall be posted in the Bench of the Tribunal or Appellate Tribunal against which he/she has given preference.**Note:-**
 - a. Applications of ineligible candidates or received without proper documents or received after due date, shall be rejected summarily without notice and no inquiry in that regard will be entertained.
 - b. If on verification at any stage before or after interview, it is found that any candidate does not fulfil any of the eligibility condition(s), or the information furnished by the candidate(s) is found incorrect, his/her candidature for LRA, will be cancelled without any notice or further reference.

10. Waiting list panel:-

- i. The Engaging Authority will prepare and maintain separate waiting list panel for the Law Research Associates for the respective benches based on the preference given by the candidates in their applications and the said panel will be of such number of candidates, as the Engaging Authority may deem necessary.
- ii. The candidates in the Waiting list panel may be engaged as and when required, and shall be given a contract of assignment.

11. Contingencies:-

- i. Retirement or Transfer of a Member: If a Member retires or get transfers during the middle of a LRA's term such LRA shall be attached to any other Member, as the Engaging Authority may deem necessary.
- ii. Appointment of a Member Mid-Term: If a new Member is appointed to the Tribunal or the Appellate Tribunal, he may be given two Law Research Associates from the waiting list panel, as the Engaging Authority may deem necessary.
- iii. Law Research Associate resigning/services terminated Mid-Term: If an LRA resigns or his/her services are terminated in the middle of the assignment term, the Engaging Authority may consider candidates from the waiting list panel of the LRA.

12. Duties and Responsibilities assigned to Law Research Associates:-

Every Law Research Associate is expected to assist Members in:

- i. Reading of case files, preparation of the case including case summary and notes, chronology of events;
- ii. The LRA shall conduct such research as to facts and Law on any case or cases pending before the Member to whom he is attached as and when he is entrusted to do so by the Member concerned. The LRA would conduct the research in printed or electronic form, statute, resolution, text etc on the related question of law and report the result of such research to the Member orally or in writing as required. In doing so, the LRA would have to analyse various factual aspects and facets of Law involved;
- iii. Research work including case Laws, Articles, Papers and in assisting in preparation of judgments, corrections and editing;
- iv. The LRA shall conduct necessary research in the Members Library of the Tribunal/ Appellate Tribunal or the residential library of the Member or other library or through internet and must keep themselves abreast with the important rulings of the Supreme Court, High Courts, more particularly of the Tribunal and Appellate Tribunal, so as to be able in providing maximum assistance to the Member concerned as and when necessary;
- v. It shall be duty of the LRA to attend the court of the Member concerned and take notes of the arguments of the counsel, research on citations;
- vi. The LRA, if asked by the Member, shall verify the final order prepared by the Member to ascertain any omission with reference to some arguments of the counsel or the errors as to the facts or grammar or construction of sentences. It shall be his duty to draw the attention of the Member concerned to such omissions of errors, if any;
- vii. The LRA shall also verify the citations of the precedents and compare the names of the respective parties therein. He shall also verify the correctness of the

- quotation from documents of judgments as set out in the final order of the Member concerned; Maintaining and organising case files;
- viii. Preparation of research or academic papers, speeches assistance in important conferences;
 - ix. 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.;
 - x. Statistical reports including timely delivery of judgments;
 - xi. Maintenance of books, other research papers and materials and such other works entrusted by the Member to whom the LRA is attached from time-to-time; and
 - xii. To perform any other work as directed by the Member.

13. Record of Attendance of Law Research Associates:-

- i. All the Law Research Associates should mark their attendance either in the Attendance Register kept in the Registry or in the Biometric Attendance System (BAS), before they proceed to the Chambers of the respective Member, to whom they are attached.
- ii. If, any of the Law Research Associate has been directed to attend the work at the Official Residence of the Member or elsewhere, he may inform the P.A./PS to the Member.

14. Leave Entitlement:-

- i.
 - i. LRA 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. The Member to whom they are attached shall be the Competent Authority to sanction leave of the LRA. An LRA will not avail leave without advance sanction of the same. In any case of emergency, an LRA will immediately inform the P.A/PS to the Member concerned.
 - iii. If, any LRA is 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.
 - iv. An LRA will not leave station without prior permission from the Member concerned.

- v. The Private Secretary /PA to the Member to whom an LRA is attached shall maintain proper account of the attendance, leave and unauthorised absence, if any, of the LRA and will send its intimation on the last working day of each calendar month to the Registry.

15. Duty Hours:-

- i. It is a full-time job and a LRA may be required to attend the Residential Office of the concerned Member in addition to normal duty during office hours. A LRA 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 Member concerned.
- ii. A LRA shall maintain punctuality in attending to their duties.

16. Honorarium:-

- i. Each LRA shall be paid such consolidated amount as the Law Research Associates/Law clerks getting in the corresponding High Courts or a sum of Rs.60,000/- (Rupees Sixty Thousand Only) per month, whichever is higher, as Honorarium/Remuneration for his/her assignment.
- ii. LRA shall not be entitled to any other allowances or perks.

17. Bar to Practice or Taking up Employment:-

- i. No LRA during the period 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 LRA 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 Research Associate.
- ii. The LRA during the period 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 LRA shall refrain from practicing before the Member with whom he/she was attached for a period of three years after relinquishment of his/her assignment as LRA.

18. Conduct of the Law Research Associate:-

- i. Every LRA shall maintain devotion to duty and a high standard of morals during the assignment term. The LRA shall also 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 LRA shall maintain utmost secrecy regarding the work assigned to him/her by the Member. He/she shall maintain utmost secrecy 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.
- iii. An LRA will be governed by the provisions of the Indian Penal Code and the Indian Official Secrets Act, 1923 as applicable to any public servant.

19. Access available to Research Associates:-

LRA shall be permitted to access to the Court Halls and Members Library. Moreover, with prior permission from the Members they can access into the Computers and Internet in the Chambers of the Members.

20. Dress Code for Law Research Associate:-

Law Research Associates shall follow the dress code as provided under Chapter IV of Part VI of the Bar Council of India Rules.

21. Declaration/Undertaking:-

Prior to appointment, an undertaking shall be given by the Law Research Associate in the format as may be prescribed in Annexure-B, before the Member.

**APPLICATION FOR SELECTION TO THE POST OF LAW RESEARCH
ASSOCIATES PURELY ON SHORT-TERM CONTRACTUAL BASIS IN THE
NCLAT/NCLT**

To

The Registrar,

NCLT/NCLAT

AFFIX
PASSPORT
SIZE
PHOTO

(Please read the Scheme annexed hereto before filling)

1.	Name of the applicant (in block letters as in SSLC or equivalent certificate)	
2.	Name of his/her father / husband / guardian	
3.	Date of Birth (as mentioned in the SSLC or equivalent certificate)	
4.	Age (in years)	
5.	Permanent postal address	
6.	Present postal address, if any	
7.	Mobile No.	
8.	Email	
9.	Number and date of enrolment as an Advocate and where enrolled	
10.	Name of Law School/College/Universitie/Institution from where	

	LL.B/ Integrated Degree Course is obtained	
11.	Name and place of the Law Schools/Colleges/Universities/Institutions in which studied	
12.	Year of passing	
13.	Percentage (Aggregate of all the years / semesters)	
14.	Specialisation, if any	
15.	Present employer, if any:	
16.	Experience	
17.	Write-up(s)/ research paper(s)/ publication(s) etc. on some piece of work done in the field of corporate law/insolvency/competition	
18.	Achievement in Co-curricular Activities (shall be accompanied with relevant Certificates)	
19.	Achievements in LL.B., (shall be accompanied with relevant Certificates)	
20.	Preference of Location, Max three in case of the Tribunal and two in Case of the Appellate tribunal	
21.	Knowledge of common software in use	
22.	Additional qualifications, if any,	

I do hereby solemnly and sincerely affirm that the statement made and the information furnished above are true to the best of my knowledge. Should it however be found that any information furnished herein is untrue in material particulars, I realize that my candidature to the post of Law Research Associate shall be cancelled.

PLACE :

DATE :

SIGNATURE OF THE APPLICANT

UNDERTAKING

I----- do hereby undertake that I have read, and understood the Scheme and will abide by the provisions contained in it during the course of my engagement as Law Research Associate and also after expiry of term of the said assignment. In addition, I do hereby accept the following terms and conditions of my assignment as Law Research Associate:

- a) I have been engaged purely on a contractual basis and no claim as an employee of the Tribunal/Appellate tribunal shall be made by me.
- b) I shall render duty at the Court/Chambers/Residential Office of Member according to their convenience or in the Registry and the duty hours shall be such as prescribed by the concerned Member. I shall be punctual in attending to my duties.
- c) I shall only be entitled to such casual leave of absence (subject to maximum of 12 days) as may be approved by the Member with whom I am attached.
- d) I shall not absent myself from duty without prior permission of the Member. 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 Member 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 Research Associate 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 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 Member(s) with whom I am attached as a Law Research Associate.
- l) I have no conflict of interest with the subject matter of the dispute and will assist the Tribunal/Appellate Tribunal fairly and impartially

Signature _____

Name _____