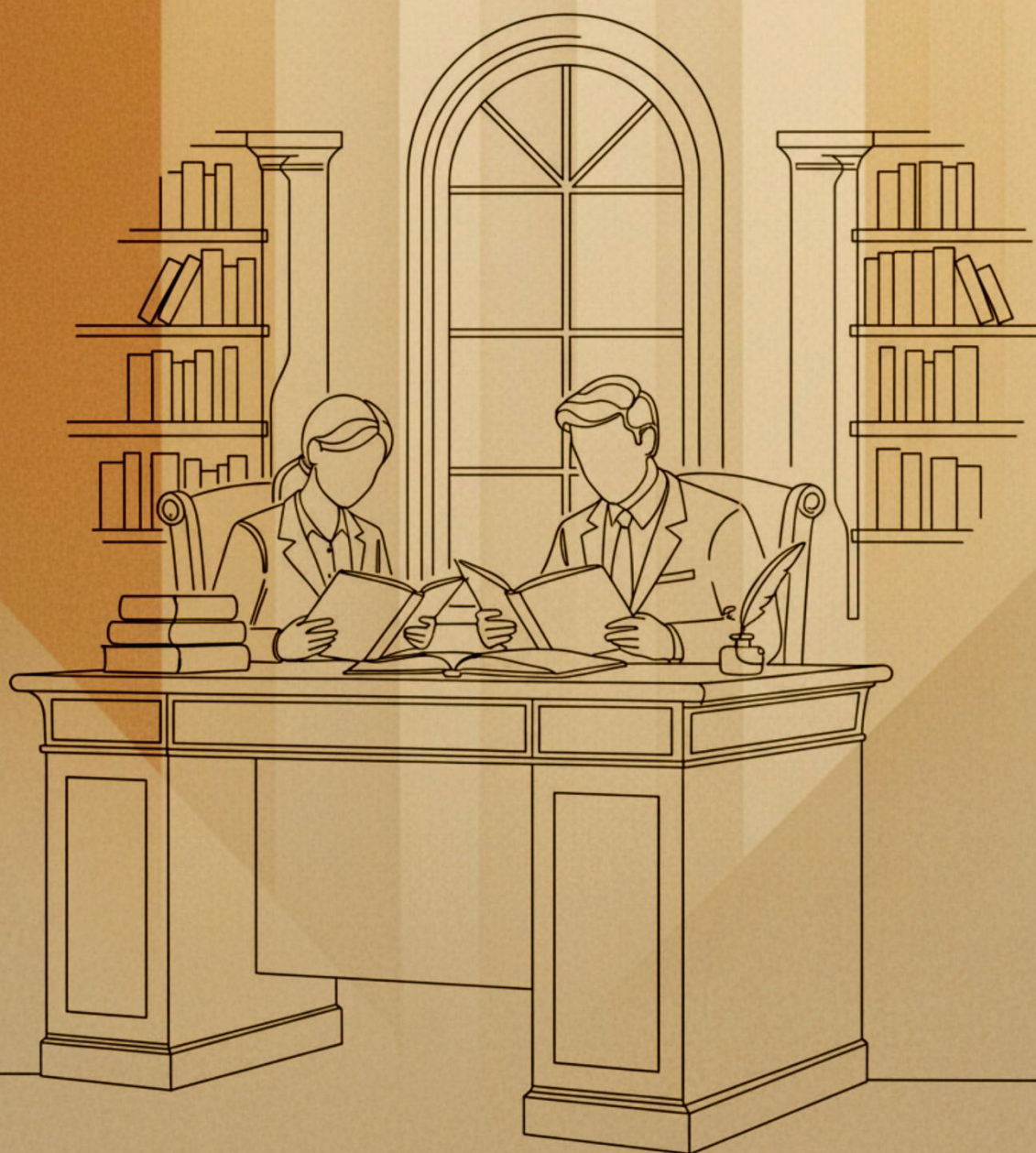




Handbook *for* Law Clerks *-cum-* Research Associates



Prepared by
Centre for Research and Planning
SUPREME COURT OF INDIA

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I. INTRODUCTION

This Handbook provides Law Clerks-cum-Research Associates (“Law Clerks”) of the Supreme Court of India (“Supreme Court”) with an overview of the work undertaken by Law Clerks and offers guidance on how to begin undertaking their assigned tasks effectively. This Handbook also sets out the high standards of conduct, confidentiality, and professionalism expected of Law Clerks.

The role of a Law Clerk is to assist their Judge in the fulfilment of the Judge’s official duties. In the Supreme Court, this typically consists of preparing short summaries or ‘briefs’ of matters listed before the Judge, preparing research memos, and supporting the Judge with any other professional commitments such as public speaking engagements, administrative duties, or academic contributions.

Every Judge of the Supreme Court has their own style of working, built over several decades of engaging with the law. Therefore, every Judge will rely on their Law Clerks to assist them in unique ways. While this Handbook outlines the tasks and the conduct that will typically be expected of Law Clerks, every Law Clerk should familiarize themselves with their Judge’s style of working and cooperate with the entirety of their Judge’s staff to effectively assist their Judge.

This Handbook covers the following topics:

- **Section 2** - Overview of Supreme Court: For Law Clerks to effectively assist their Judge, it is vital that they familiarize themselves with the constitutional and legal provisions applicable to the Supreme Court of India. To facilitate this, Section 2 provides a brief overview of the jurisdiction, operation, and powers of the Supreme Court.
- **Section 3** – Preparation of briefs: Most Law Clerks will be expected to prepare briefs for upcoming matters listed before their Judge. Section 3 provides guidance on how to approach preparing briefs. More specialized guidance on briefing several types of files can be found at Annexure 1 of this Handbook.
- **Section 4** – Research and writing: Many Judges expect Law Clerks to assist with research. Judges may also require Law Clerks to prepare draft speeches for public engagements and assist with any administrative duties a Judge is tasked with or

academic commitments the Judge has undertaken. Section 4 provides an overview on how to approach such tasks.

- **Section 5** – Code of Ethics and Professional Conduct for Law Clerks: Law Clerks are expected to adhere to a high standard of professionalism and maintain absolute confidentiality regarding their work. Section 5 outlines the prescribed code of conduct applicable to Law Clerks, including obligations relating to the use of social media and the responsible use of artificial intelligence and other tools.

Disclaimer: This Handbook is purely intended to help orient and guide Law Clerks on how to effectively assist their Judge. This Handbook has no legal force and nothing in this Handbook should be understood as contradicting or limiting the operation of the “*Scheme for Engaging Law Clerk-cum-Research Associates on Short-Term Contractual Assignment in the Supreme Court of India*” or any subsequent document applicable to Law Clerks and the terms and obligations imposed on Law Clerks therein.

II. SUPREME COURT: JURISDICTION AND OPERATIONS

Every task conducted by a Law Clerk is contingent on a clear understanding of the jurisdiction, operation, and powers of the Supreme Court. This Section provides an overview of these topics, beginning with the Supreme Court's original and appellate jurisdiction, before examining its advisory and inherent jurisdiction. This section also provides an overview of the operation of the Supreme Court with respect to Special Leave Petitions ("SLPs") under Article 136 of the Constitution. All Law Clerks should familiarize themselves with the constitutional and legal provisions set out below and important doctrinal developments concerning these provisions.

1. Original jurisdiction of the Supreme Court

Below is an overview of the Supreme Court's original jurisdiction.

(i) Article 32 of the Constitution and Public Interest Litigation ("PIL")

The Supreme Court has the power to hear and issue directions, orders, or writs for the enforcement of rights enumerated in Part III of the Constitution under Article 32. Under its PIL jurisdiction, the Supreme Court can also entertain actions initiated by any public spirited individual or association for the enforcement of constitutional or legal rights of persons or take *suo moto* cognizance of any public interest issue. The Court has framed guidelines on entertaining PILs.¹

(ii) Original suits under Article 131 of the Constitution

Article 131 confers exclusive jurisdiction on the Supreme Court to entertain disputes between: (a) the Government of India and one or more states; (b) between the Government of India and any state(s) on one side and one or more states on the other; and (c) between two or more states.

(iii) Transfer of cases involving substantial questions of law under Article 139A(1)

Where cases involving the same or substantially similar questions of law are pending: (i) before the Supreme Court and one or more High Courts; or (ii) before two or more High

¹ Supreme Court of India, Compilation of Guidelines to be followed for entertaining Letters/Petitions received in this Court as Public Interest Litigation based on a Full Court decision dated 1 December 1988, available at <https://main.sci.gov.in/pdf/Guidelines/pilguidelines.pdf>.

Courts, - the Supreme Court may withdraw the case(s) from the High Court(s) and dispose of the case(s) itself under Article 139A(1). The Supreme Court may, after deciding the question of law, return a case to the High Court with a copy of its judgment, for the High Court to dispose of the case in conformity with the Supreme Court's judgment. This power may be invoked by an application made by the Attorney General of India or a party to a case (provided the case meets the afore-mentioned criteria), as well as by the Supreme Court by its own motion.

(iv) Transfer of cases pending before High Courts under Article 139A(2)

Article 139A(2) empowers the Supreme Court to transfer any case, appeal, or other proceeding from any High Court to another High Court if it thinks it expedient to do so for the ends of justice.

(v) Transfer of cases under Section 25 of the Code of Civil Procedure, 1908 (CPC) and Section 406 of the Code of Criminal Procedure, 1973 (CrPC)

Section 25 of the CPC grants the Supreme Court the power to transfer any suit, appeal, or other proceeding on an application of a party from any court in one state to a court in another state, to achieve the ends of justice. Similarly, Section 406 of the CrPC empowers the Supreme Court to transfer a criminal case from one state to another state when expedient.

Additionally, Law Clerks should also familiarize themselves with Section 11 of the Arbitration and Conciliation Act, 1996 concerning the appointment of arbitrators, and Article 71(1) of the Constitution of India concerning disputes arising out of the election of the President and the Vice President of India. Article 71 should be read in conjunction with the Presidential and Vice-Presidential Elections Act, 1952 and the Supreme Court Rules, 2013. These provisions also confer original jurisdiction on the Supreme Court.

2. Appellate jurisdiction of the Supreme Court

Below is an overview of the Supreme Court's appellate jurisdiction:

(i) Appeals under Articles 132 of the Constitution

Under Article 132 of the Constitution, an appeal shall lie to the Supreme Court from

any decree, final order, or judgment of a High Court, whether civil or criminal, if the High Court certifies under Article 134A that the case involves a substantial question of law concerning the interpretation of the Constitution.

(ii) Appeals under Articles 133 and 134 of the Constitution

Under Article 133 of the Constitution, an appeal shall lie to the Supreme Court from any decree, final order, or judgment of a High Court in a civil proceeding if the High Court certifies under Article 134A that: (i) the case concerns a substantial question of general importance; (ii) that needs to be decided by the Supreme Court. Under Article 134 of the Constitution, an appeal shall lie to the Supreme Court from any decree, final order, or judgment of a High Court in a criminal proceeding if the High Court: (i) has on appeal reversed an order of acquittal and sentenced the person to death; or (ii) has transferred to itself (from a court subordinate to it) a trial and in such trial convicted the accused and sentenced them to death; or (iii) the High Court certifies under Article 134A that the case is fit for appeal to the Supreme Court.

Certificate under Article 134A of the Constitution: As soon as may be after passing a decree, final order, or judgment, a High Court may, either on its own motion, or on an application made to it, determine whether a certificate referred to in Articles 132, 133, and 134 should be given to a case.

(iii) Appeals under Section 2 of the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970

Without prejudice to Article 134 of the Constitution, an appeal shall lie to the Supreme Court from any judgment, final order, or sentence of a High Court in a criminal proceeding if the High Court: (i) has on appeal reversed an order of acquittal and sentenced the person to imprisonment for ten years or greater; or (ii) has transferred to itself (from a court subordinate to it) a trial and in such trial has convicted the accused and sentenced them to imprisonment for ten years or greater.

(iv) Appeals arising out of specific statutes

Certain parliamentary statutes confer jurisdiction on the Supreme Court to entertain appeals arising directly out of the statute. For example, Section 67 of the Consumer

Protection Act, 2019, Section 22 of the National Green Tribunal Act, 2010, Sections 30 and 31 of the Armed Forces Tribunal Act, 2007, and Section 38 of the Advocates Act, 1961, allow for a direct *statutory appeal* to the Supreme Court. However, parties are not barred from approaching a High Court. In *Madhya Pradesh High Court Advocates Bar Association v Union of India*,² the Supreme Court held that “even when a direct appeal to the Supreme Court is provided by a statute against the decision of a tribunal, the remedy under Article 226 or 227 before the High Court remains unextinguished.”

(v) Special leave petitions under Article 136 of the Constitution

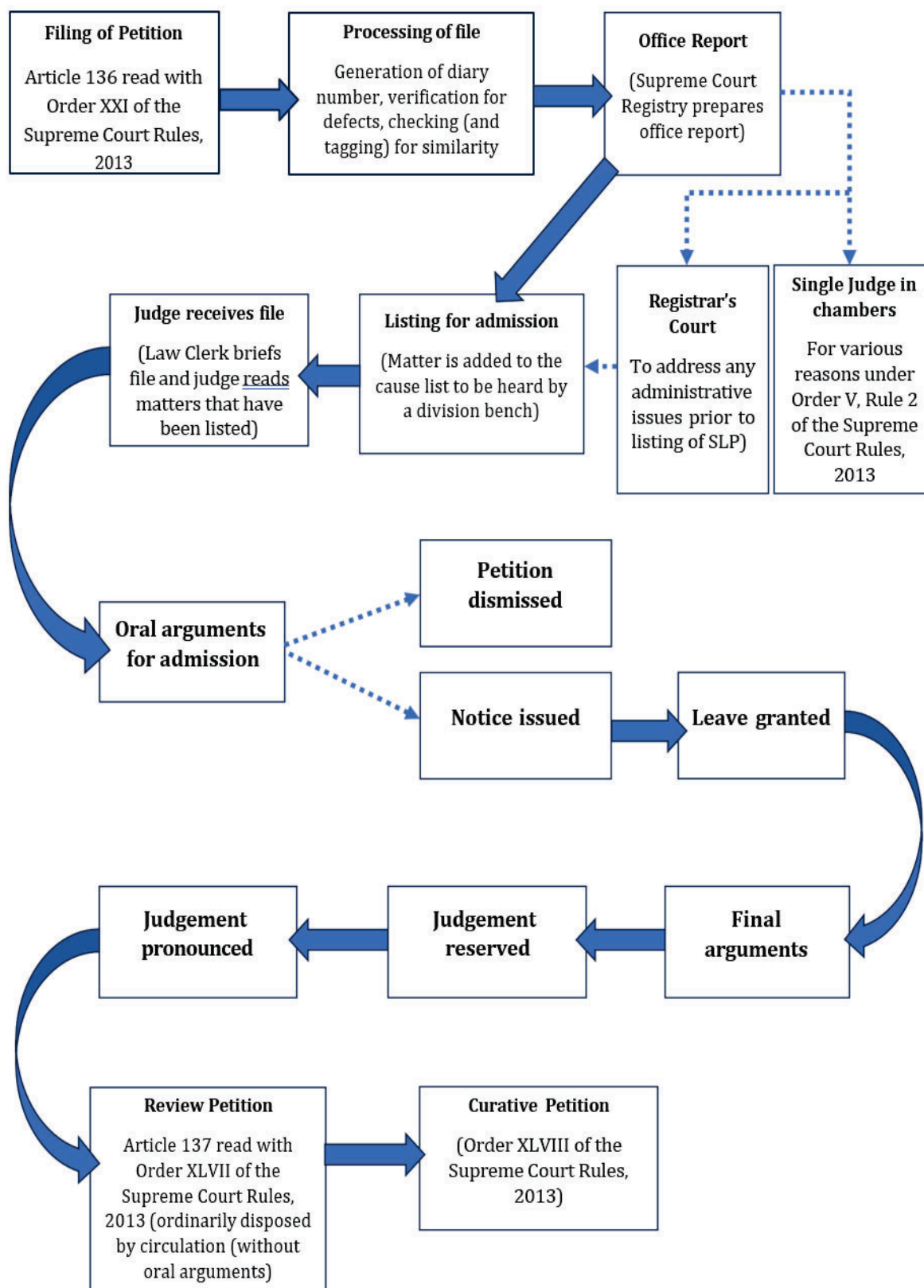
Article 136 of the Constitution empowers the Supreme Court to grant special leave to appeal (to the Supreme Court) from “any judgment, decree, determination, sentence or order” passed by any court or tribunal in India.³ The grant of special leave to appeal is discretionary. Thus, proceedings under Article 136 consist of two stages: the first consists of satisfying the Supreme Court that the decision under challenge warrants consideration (sometimes referred to as the ‘admission stage’). When the SLP is first heard, if the Court believes that there is a *prima facie* case for granting leave to appeal, it may issue notice to all parties in the SLP and hear them on whether leave to appeal ought to be granted. After hearing all concerned parties, the Supreme Court may either grant special leave to appeal or dismiss the SLP. Only if leave is granted, the Supreme Court decides on the merits of the decision under challenge. Additional information concerning SLPs can be found in Order XXI of the Supreme Court Rules, 2013.

Most cases that Law Clerks will engage with during their tenure will be SLPs seeking special leave to appeal under Article 136 of the Constitution. The graphic below provides an overview of the various stages that an SLP goes through at the Supreme Court.

² W.P. (C) No. 433 of 2012 (18 May 2022, Supreme Court of India).

³ *L. Chandra Kumar v. Union of India*, (1997) 3 SCC 261, put a limitation on Article 136: “... no appeal from the decision of a Tribunal will directly lie before the Supreme Court under Article 136 of the Constitution; but instead, the aggrieved party will be entitled to move the High Court under Articles 226/227 of the Constitution and from the decision of the Division Bench of the High Court the aggrieved party could move this Court under Article 136 of the Constitution” (Para 92). Thus, there is a general bar against invoking the jurisdiction of the Supreme Court under Article 136 against orders/judgments of a tribunal (unless the statute setting up the tribunal itself provides an appeal to the Supreme Court – See below ‘Appeals arising out of specific statutes:’). Furthermore, statutes often provide for appellate tribunals. For example, Section 410 of the Companies Act 2013 creates an appellate tribunal “for hearing appeals against the orders of the tribunal”. In such cases, any appeal against order of the lower tribunal shall lie in the appellate tribunal first.

OVERVIEW OF SUPREME COURT OPERATIONS UNDER ARTICLE 136



3. Review and Curative Jurisdiction

Article 137 of the Constitution empowers the Supreme Court to review its own decisions. An application for review is, to the extent possible, placed before the same Judge who delivered the judgment or order sought to be reviewed.⁴ Order XLVII of the Supreme Court Rules, 2013 stipulates that no application for review shall be entertained in civil proceedings except on grounds mentioned in Order XLVII of the Code of Civil Procedure, 1908. In criminal proceedings, no application for review shall be entertained unless there is an error apparent on the face of the record. An application for review is required to be filed within thirty days of the date of the judgment or order sought to be reviewed. Review petitions are typically disposed of by circulation without oral arguments. However, review petitions may include an application for oral hearing, which if allowed, is followed by oral arguments.

The standard for allowing a review petition is high. For example, in 2021 the Supreme Court allowed a review petition where it observed that a transfer petition under Section 406 of the Code of Criminal Procedure, 1973 had been allowed (transferring the criminal proceeding from Delhi to Allahabad) without issuing notice and hearing the first informant (who had filed the FIR).⁵ This was in direct contradiction to Order XXXIX of the Supreme Court Rules, 2013, which stipulates that where a bench is satisfied that a *prima facie* case for transfer exists, it must first issue notice to all concerned parties.

Finally, the Supreme Court also has the power to review its decisions after the dismissal of a review petition, through a Curative Petition. Curative Petitions are governed by Order XLVIII of the Supreme Court Rules, 2013 and the decision in *Rupa Ashok Hurrah v Ashok Hurrah*⁶. An example of the type of rare error sought to be remedied through curative petitions can be found in *State of Madhya Pradesh v Sugar Singh*.⁷ In this case, the trial court convicted eight individuals which the High Court subsequently acquitted. The State of Madhya Pradesh appealed against the High Court decision, but only made four of the eight accused party to the appeal in the Supreme Court. In the Supreme Court, the acquittal of all eight accused was set aside and dismissed a review petition against the judgment. The individuals whose acquittal had been set aside by the Supreme Court without being heard filed a curative petition. The curative petition was allowed as the Supreme Court's judgment had set aside the acquittal of

⁴ Rule 3, Order XLVII, Supreme Court Rules, 2013.

⁵ *Rajendra Khare v Swaati Nirkhi*, R.P. (Cri.) No. 671 of 2018.

⁶ 2002 INSC 189.

⁷ Curative Petition (Cri.) No. 7-8 of 2009 (9 March 2010, Supreme Court of India).

the four individuals without notice being issued to them or they being heard by the Supreme Court.

4. Advisory Jurisdiction

In addition to its original and appellate jurisdiction, the Constitution of India also confers an advisory jurisdiction on the Supreme Court. Law Clerks should familiarize themselves with Article 143 of the Constitution which authorizes the President of India to refer certain questions of law or fact of public importance to the Supreme Court. Certain statutes may also enable references by the Union Government or a tribunal to the Supreme Court. For example, Section 257 of the Income Tax Act, 1961 allows for a reference to the Supreme Court in cases of conflicts between the decisions of High Courts.

Additionally, under Article 317, the President cannot remove the Chairperson or any Member of a Public Service Commission for misbehaviour without first referring the matter to the Supreme Court. In a similar vein, the removal of the Chief Information Commissioner, any Information Commissioner, or a State Information Commissioner must be referred to the Supreme Court under Sections 14 and 17 of the Right to Information Act, 2005.

5. Inherent Jurisdiction

Article 129 of the Constitution vests the Supreme Court with the power to punish for contempt of court. Article 142(2) empowers the Court to investigate, secure the attendance of persons, and punish any person for contempt of itself subject to laws made by Parliament. A contempt proceeding may be initiated either by the Court on its own motion, by a petition made by the Attorney General, or by a petition made by a person (where criminal contempt is involved) with the consent of the Attorney General or Solicitor General of India. Additional detail on the procedure to be adopted when pursuing contempt is set out in the Contempt of Courts Act, 1971 and the Rules to Regulate Proceedings for Contempt of the Supreme Court, 1975.

Article 142(1) of the Indian Constitution grants the Supreme Court the extraordinary power to pass any order or decree necessary to secure "complete justice" in any matter pending before it, allowing it to act where statutes are absent or ineffective. This power is broad, encompassing both civil and criminal matters, and extends throughout the territory of India.

III. PREPARATION OF BRIEFS

A key task expected of Law Clerks is the preparation of briefs for upcoming matters listed before their Judge. The goal of this task is to assist the Judge in understanding the contents of a given matter (or “file”). Given the large number of matters listed before any given Judge, particularly on miscellaneous days, accuracy and speed is of paramount importance when preparing for upcoming matters.

Every Judge has their own method of preparing for upcoming matters. Some Judges may prefer an oral briefing, while other Judges may ask their Law Clerks to prepare a written brief of the file. Even amongst Judges who ask for a written brief, different Judges may ask their Law Clerks to pay special attention to distinct aspects of the file. This Handbook provides guidance and a standard template for a written brief and pointers on how to approach preparing the brief. However, Law Clerks are encouraged to consult their co-Clerks who have worked with their Judge in the past, as well as the Judge themselves, to understand what the Judge requires to effectively prepare for upcoming matters.

The pointers below and the sample brief provided are for an SLP seeking grant of leave under Article 136 of the Constitution. More specialized guidance based on the subject matter of the file (e.g., *property disputes*) or non-SLP files (e.g., *Transfer Petitions*) can be found at **Annexure 1** of this Handbook.

1. Key pointers for preparing a written brief

- (i) Briefs are prepared from the perspective of the Judge. They must therefore be neutral, objective, and carefully discern the factual and legal issues raised by a matter without being swayed by emotional appeals or the status or nature of the parties. They do not require the Law Clerk to resolve the dispute or offer a recommendation on the outcome.
- (ii) A Law Clerk should have a look at the entire file, before preparing the brief. When first handed a file, Clerks can first examine the Index to get an overview of the file. In a typical SLP, the most important sections to locate are the synopsis, the impugned judgment (the judgment under challenge), and the SLP itself (which will contain the grounds of challenge). Also, a Law Clerk should check the office report/listing proforma to see whether there are any similar matters pending before (or have been disposed of by) the Supreme Court.

- (iii) The brief must summarize the file in a concise yet informative manner. It must include all information *germane to the dispute before the Supreme Court*, while excluding extraneous information. The length of the brief may vary depending on the complexity of the file, but Law Clerks should always strive to be as succinct as possible (generally 1 page) without excluding relevant information.
- (iv) It is not typically necessary to include party names or case numbers unless they aid clarity. It is often more useful to utilize clear and commonsense abbreviations (e.g., “R2” for “*Respondent 2*”). Remember that the terminology associated with a party may change during the appellate process, and it is often useful to identify what a party is referred to both before the Supreme Court and before lower courts. For example, “*Petitioner (R3 before the High Court / in the impugned judgment)*.”
- (v) The key sections of a brief are:
- a) Headnote: The Headnote should provide an overview of the dispute, the subject matter, and the key issue before the Supreme Court in 1-2 lines. For example, “SLP against order of the Orissa High Court (dt 23.07.2021) refusing bail to Petitioner. Petitioner convicted under S.302 IPC for death of his wife by strangulation. Appeal against conviction pending before the High Court – Bail sought.”
 - b) Facts: The facts must capture all information that is relevant to deciding the dispute as it presents itself before the Supreme Court. It is useful to begin by establishing the relationship between the parties (e.g., landlord-tenant) and the origin of the legal dispute. It is vital to differentiate between disputed facts and established or agreed upon facts. “Agreed facts” refer to those points on which both sides expressly concur. “Established facts” are those already determined on the record by the courts below and not open to contest before the Supreme Court. When referring to disputed facts, always use qualifying language (e.g., “according to the Petitioner” or “R2 alleges”).
 - c) The facts will also include the procedural history of the case in lower courts. It is important to identify what is in dispute before the Supreme Court and then accordingly: (i) capture the findings of the lower courts; and (ii) capture the reasoning of the lower courts on issues that have a bearing on the dispute before

the Supreme Court. For example, a case may have had 13 issues at the trial stage, 4 issues on first appeal, 2 issues on second appeal, but only a single issue is now in dispute before the Supreme Court. The brief can succinctly list the key findings of the lower courts, but must clearly capture the reasoning of all the lower courts on the one issue that remains live before the Supreme Court.

- d) Impugned judgment: The impugned judgment is often the most important part of the brief as it is the correctness of this judgment that is assailed by the SLP. The brief should accurately capture the findings of the impugned judgment and the reasons for these findings. The impugned judgment often articulates the position of law before proceeding to provide reasons based on the facts of the case. Where the position of law is settled (e.g., the factors to be considered when granting bail or quashing an FIR), the brief need not re-state the position of law and can proceed directly to the impugned judgment's reasons vis-a-vis the facts of the case.
 - e) Relevant grounds of challenge: The SLP will include various grounds that assail the correctness of the impugned judgment. Very often, grounds in an SLP merely reiterate factual assertions and legal arguments that have already been addressed by the lower courts, including the impugned judgment. Such contentions should already be captured in the 'Facts' and 'Impugned Judgment' section of the brief and need not be repeated in the 'Grounds' section. Law Clerks should identify and include the grounds which make compelling legal arguments to interfere with the impugned judgment and are likely to be pressed during oral arguments.
 - f) Prayer: Every SLP will typically seek the grant of leave and a stay on the impugned judgment. It is not necessary to capture these boilerplate prayers, and in such cases the 'Prayer' section of the brief can be excluded entirely. However, where parties seek more specialized prayers, they ought to be recorded. Likewise, any request for interim relief should be included briefly.
- (i) All statements concerning facts, evidence, or key arguments in the brief must be accompanied by a page-reference, and Annexure numbers in parenthesis. For example, *“Testimony of PW4 establishes R2’s presence at the crime scene (pg. 17 - Annexure*

2).” This allows for quick correlation between the brief and the file.

- (ii) Office Reports & Previous Orders: Not all files relate to matters which are being heard by the Supreme Court for the first time. Certain matters (e.g., matters where notice has been issued or leave has been granted) may have previously been heard by other Judges of the Supreme Court, and the Court may have passed orders. These orders will be included in the file. If any of the orders are substantive (e.g., a stay, issuance of notice, interim directions), the contents of these orders should also be captured in the brief. Procedural orders (e.g., list after 2 weeks) need not be captured. Office Reports, to the extent they contain information pertinent to the matter, should also be reflected in the brief wherever necessary.
- (iii) Where the Supreme Court has issued notice or has granted leave and is conducting regular hearings of a matter, the respondents may have filed a counter affidavit, and other parties may have also filed subsequent written submissions (e.g., a rejoinder). The arguments in these submissions must be summarized.
- (iv) When preparing a brief, always remember that sections of the file such as the Synopsis, the List of Dates, and the SLP are prepared by the parties and their lawyers (typically the petitioners). So, they are often the petitioner's version of the facts. Therefore, they may not always be an objective account of the facts. It is always important to cross-check facts averred in these portions of the file with the impugned judgment or the orders of lower courts. These judgments/orders are prepared by Judges and form the judicial record of the case.

2. Sample annotated brief

SLP (C) No. 12345/ 2022, Shubham v. Kriti (fictional case)

Madras HC- 8.1.2022- second appeal dismissed upholding the concurrent findings of the courts below where permanent injunction was granted restraining the petitioner from disturbing the peaceful possession of the respondent over the suit property.

Headnote

Brief Facts

Abbreviation

- The respondent- plaintiff (“R”) filed a suit seeking permanent injunction against the petitioner in respect of the suit property in XYZ City. The case of R is that the suit property originally belonged to the petitioner- defendant (“P”) who sold it to R for the consideration of

Rs 27,000 by a sale deed registered on 16.2.2000. The property has been mutated in name of R as well. R contended that P in the guise of claiming a share of the well attempted to encroach upon the suit property.

- The contention of P was that R is a money lender and that P received a loan of Rs 1 Lakh from R. A sale deed was executed for security for the loan mentioning the sale amount as Rs 27,000/acre when the value was Rs 2,00,000/acre. It was contended that the sale deed is a sham. **(Pg. 37)**
- The Court of District Munsif, XYZ City granted permanent injunction restraining P from disturbing the possession of the respondent on the following the grounds: **(Annexure P-1)**
 - Payment of tax for the suit property, joint patta issued in the name of R have been submitted by R. Evident that suit property is in the possession of R. **(Pg. 25)**
 - DW2 (P's cousin) deposed that P executed the sale deed for loan. DW2 had received loan from R and decree was passed in favour of R. **(Pg. 39)**
 - P did not express objection to sub-registrar while executing the sale agreement. Also, P is a Village Administrative Officer (VAO)- if he was forced to execute a sale agreement, he must have complained to the police. Complaint was made only after the order of injunction in the case was issued. **(Pg. 9)**
- Appeal against the judgment of the Munsif Court was dismissed by the District Judge on the grounds that (i) DW2 deposed against R out of anguish; (ii) Stand of P and DW2 is that sale consideration was not paid on the day of sale execution but in the police complaint filed by P, he has admitted that he received 1 lakh; (iii) complaint lodged after commencement of the suit proceedings; (iv) P has periodically sold his portion of his properties to settle loans with other persons. **(Annexure P-2)**
- The appeal against the judgment of the District Judge was dismissed by the High Court through the impugned judgment.

Impugned Judgment

- Both the courts below have found that P is a retired VAO who would understand the nature of transaction. Both the courts below have found that DW2's statement is contrary to the contents of the sale deed. **(para 6,7)**
- In the police complaint filed by P it is mentioned that a sale deed was executed in favour of the respondent. **(Para 8)**

Page No.

Relevant
paras

- The contention that P is still in possession of the suit property and that the sale deed was never acted upon has been rejected by both the courts below **(Para 8)**
- Concurrent findings by the courts below- cannot be reappreciated on second appeal.

Grounds

- Courts below ought not to have rejected the evidence of DW2 and DW3 when the evidence on record suggests that it is a loan document. **(Ground B)**
- P is still in possession of the suit property. **(Ground D)**

***Disclaimer: The Sample Brief here extends to two pages to explain its components. Ideally, a brief should not be more than one page. Furthermore, Law Clerks are encouraged to consult their co-Clerks who have worked with their Judge in the past, as well as the Judge themselves, to understand what the Judge requires to effectively prepare for upcoming matters.*

IV. RESEARCH AND WRITING

Law Clerks may be required to assist their Judge by preparing research memos, drafts of speeches, official reports, correspondence, or academic contributions. Being able to conduct high quality research is an essential skill to completing many of these tasks. Therefore, this Section first provides guidance on how to conduct research, before providing pointers on specific writing tasks.

1. Conducting research

Before starting, it is crucial to understand the purpose of the research, i.e., what is the research for? This will determine what sources should be consulted and the length and depth of the research exercise. Research memos will require the most comprehensive research, while other assignments may require a shorter examination of the law on a given issue. Speeches or academic contributions require looking beyond caselaw, and may involve consulting academic texts, news articles, or even fictional texts or art. Any doubts concerning the purpose of the research should be addressed at the outset by consulting the Judge and seeking additional instructions.

Some useful pointers when conducting research are:

- (i) Understand the factual background that the research proposition relates to. This is crucial to understand whether a given case law is applicable or ought to be distinguished.
- (ii) Understand the legal issue that the factual background creates, and that the research seeks to address.
- (iii) If unfamiliar with the subject-matter that the legal issue pertains to, engage in some preliminary reading on the area using secondary sources such as commentaries or law review articles.
- (iv) Begin compiling a list of potentially applicable cases from: (i) lawyer's submissions; (ii) commentaries and law review articles; and (iii) cases cited in the first set of cases examined. This will streamline and focus the research rather than directly attempting a keyword search on electronic databases. Such databases can be relied on after compiling an initial set of cases, or, in the event, the other sources are not available or

instructive.

(v) When reading judgments, headnotes can offer a quick overview of the facts and the holding, providing a broad sense of the case. However, reading a judgment in full is vital to understand whether it is distinguishable on facts, and whether the reasoning sought to be relied on constitutes the ratio of the case (as opposed to dicta). Also make note of key arguments raised in any concurring or dissenting opinions, as these may highlight potential weaknesses in the reasoning of the majority opinion sought to be relied on.

(vi) Always consider whether the cases being read are binding precedent or merely persuasive.

2. Writing for a Judge's chambers

Decision-making remains the exclusive responsibility of the Judge. Judges may rely on their Law Clerks to conduct research and prepare research memos on various legal issues. This will require Law Clerks to write coherently.

When preparing a research memo, begin by identifying the legal issue(s) within the context of the relevant factual situation. The memo should then: (i) identify the key statute and binding precedents; and (ii) explain their applicability and impact on the issue at hand. A research memo need not re-iterate the facts of the case and should ideally only utilize facts as and when they are necessary to analyze the relevance and impact of a legal rule to the case at hand. The memo should conclude with the Law Clerk's assessment based on a cumulative analysis of the applicable legal rules uncovered through research and offer a recommendation on how to resolve the legal issue. The recommendation must be grounded in, and flow from the legal authorities discussed in the body of the memo.

Some useful pointers applicable to preparing research memos in a Judge's chambers are:

- (i) Write concisely and precisely. High quality legal writing is simple, brief, and clear. Refrain from using complex words or elaborate literary devices.
- (ii) Make use of paragraph breaks. As a rule of thumb, one paragraph should contain one idea.

- (iii) Use lists wherever possible.
- (iv) For documents that extend beyond 4-5 pages, use headings to sub-divide the document and allow the reader to quickly find the issues that concern them.
- (v) When quoting from a statute or case, use authoritative sources and quote accurately. Do not rely on legal websites or secondary sources when quoting statutes or cases. For statutes or regulations, utilize the version of the statute or regulation published in the Gazette and for judgments use the text from either Supreme Court Reports (SCR) or any other credible law reporter. When quoting decisions of High Courts, Tribunals, or foreign courts, rely on the document made available on the official website of the decision-making body.
- (vi) Clearly footnote or appropriately identify the source of all arguments or ideas that are not your own. Utilizing ideas without acknowledgement constitutes plagiarism and should be avoided under all circumstances.
- (vii) Avoid using gender-specific pronouns when speaking generally or declaratively. Use ungendered language to the extent possible. Avoid using words that (implicitly or explicitly) promote gender stereotypes (e.g., “dutiful wife” where “wife” will suffice).
- (viii) Avoid repetition of arguments or ideas.
- (ix) Always add page numbers to documents.
- (x) Maintain uniformity in font size and style throughout the document, unless the Judge directs otherwise.
- (xi) Use justified alignment, except where headings require centering.
- (xii) Expand abbreviations at their first instance before using the shortened form thereafter.
- (xiii) Proof-read all work that is submitted to the Judge. Some useful tips for proofreading and editing are: (i) set the draft aside and work on something else before proof-reading; (ii) ask a colleague to read and comment on the draft; (iii) break up long, compound sentences into shorter, simpler sentences; and (iv) double check all citations and sources.

3. Public engagements and professional commitments

Judges of the Supreme Court often undertake various public engagements and academic commitments. Law Clerks may be required to assist with the writing of speeches, preparation of talking points, and preparation of various draft reports, correspondence, or contributions. While these tasks are typically highly individualized and context specific, some useful general guidance on the preparation of speeches for Judges is:

- (i) Understand the length of the speech, the background and historical context of the event the Judge is speaking at and the significance of the organizers. Take note of whether other notable public figures will be present. It may be useful to begin the speech by referring to purpose of the event, organizers, or fellow guests.
- (ii) Speeches should be written in the first person.
- (iii) The overall content of the speech should follow a recognizable structure, i.e. each para should flow from or should have a connection with the previous para. Divide the topic of the speech into sub-themes or topics to aid clarity.
- (iv) Understand who is in the audience and prepare the speech with a particular audience in mind. The constitution of the audience should determine the choice of topic, complexity of ideas, and reliance on legal terminology.
- (v) Sometimes the organizer prescribes the topic of the speech. However, at some events, the Judge may be invited to select the topic of the speech. In such cases, pick a topic that can be appropriately discussed within the time limit. For example, if the topic is broad (e.g., due process), identify specific ideas within this broader topic and only address those specific ideas rather than tackling the entirety of the topic. However, also be sure to pick topics with sufficient content for discussion. Picking topics that are too narrow or niche will result in limited research material and the speech may only resonate with a small section of the audience.
- (vi) Remember that the audience will be listening to the speech and not read the speech. Complicated language and technical discussions may be difficult to follow without written aids. Therefore, it is advisable to pick more accessible and relatable topics and write accordingly.

- (vii) Understand the goal of the engagement, whether it is to engage or instruct the audience.
The tone and content of a “lecture” will defer from the tone and content of other public engagements such as inaugurations or celebrations.
- (viii) When addressing a topic, avoid merely citing case laws and reciting holdings. Instead, situate the precedents within a broader context and weave a coherent narrative around them, so as to make the discussion engaging, accessible, and meaningful to the audience.
- (ix) Judge’s offices typically keep records of previous speeches delivered by the Judge. Clerks can familiarize themselves with these speeches to understand the Judge’s personal style and type of topics favoured by the Judge. This also prevents the repetition across speeches.
- (x) Even in a speech or lecture, provide sources/footnotes wherever the idea is taken from other places. This provides context to the Judge.
- (xi) Use authoritative sources and quote accurately.
- (xii) Conduct some background research on any individuals that are being quoted or referred to, and the context in which the quoted statement was made. This will ensure that individuals are not quoted out of context, or relied on for ideas that are contrary to the body of work they are otherwise known for. Prefer relying on published academic articles or books as opposed to using unknown or less popular sources, particularly from the internet.
- (xiii) Law Clerks have access to the Judge’s Library at the Supreme Court and can request books be sent to the residential office of their Judge. Judges can also request the library to acquire new publications, although this may take some time.
- (xiv) Try and correlate the length of the written speech (in words / pages) with length of speaking time (in minutes). If in doubt, it is best to read the speech aloud at a measured pace to understand how long a draft speech will take to deliver. Allow for interruptions and impromptu embellishments by the Judge. Generally, on an average, the speaking time for 100 words is one minute. However, one may check the speaking style of their Judge before finalizing the word count.
- (xv) Refrain from making a public comment on the merits of a pending case or a case that

is likely to come before the Supreme Court unless expressly instructed by the Judge.

(xvi) Refrain from making statements that (implicitly or explicitly) endorse or criticize a political party, figure, or development.

(xvii) Double-check all citations and sources.

V. CODE OF ETHICS AND PROFESSIONAL CONDUCT FOR LAW CLERKS

Every Law Clerk at the Supreme Court of India is expected to conduct themselves in a professional, courteous, and respectful manner. This applies to the Law Clerk's behaviour vis-à-vis the Judge they are assisting, but also all members of the Judge's staff, and Officers and staff of the Supreme Court Registry more generally. Law Clerks are one among many employees assisting a Judge and Law Clerks are expected to work alongside their co-Clerks and every other individual who may be assisting the Judge in question. Harassment, discrimination, or any form of hostility is unacceptable and will not be tolerated. It is the duty of every Law Clerk to ensure that their office is a pleasant, kind, and professional workspace.

Judges may invite their Law Clerk's opinion on a variety of issues, and in such situations, Law Clerks should feel free to express their opinions. However, where in the discharge of their official duties, a Judge gives a specific direction, it is the task of the Law Clerk to follow it with fidelity, irrespective of the Law Clerk's personal views. The ultimate responsibility for the discharge of a Judge's constitutional duties rests solely on the Judge, and Law Clerks must respect this.

The following principles are intended to guide law clerks in maintaining the dignity of the office they hold and the credibility of the institution they serve:

1. ETHICAL RESPONSIBILITY AND INSTITUTIONAL INTEGRITY

- (i) Law Clerks serve as important aides to the Judges of the Supreme Court of India, assisting in research, drafting, and analysis that often bear upon the administration of justice. Accordingly, they must uphold the highest standards of ethical conduct, integrity, and impartiality, both in professional and personal spheres.
- (ii) Law Clerks must remain constantly mindful that their conduct, in every respect, however inconsequential it may appear, reflects not only upon their own character but also upon the Judge they serve and the Supreme Court as an institution. Integrity constitutes the very foundation of their role, and any deviation from propriety, confidentiality, or impartiality risks diminishing public trust in the judiciary. It is incumbent upon every Clerk to uphold, through both demeanour and duty, the dignity, independence, and credibility of the Court.
- (iii) In discharging their functions, Law Clerks must remain neutral and objective. Personal

beliefs, political opinions, or social affiliations should never influence their work or interactions. Their duty is to assist the Judge by presenting research and perspectives in an intellectually honest manner, without attempting to shape or influence the Judge's opinion through subjective or partisan considerations.

- (iv) Law Clerks must conduct themselves with courtesy, professionalism, and humility towards all, whether interacting with their Judge, co-clerks, registry officials, advocates, or litigants. They should maintain a calm, respectful, and collaborative demeanour even under pressure. Rudeness, condescension, or an exaggerated sense of authority is unbecoming of their role.
- (v) Law Clerks must be vigilant to avoid any real or perceived conflict of interest. If they have any personal, academic, or professional connection with a matter before their Judge, they must immediately disclose it. No Law Clerk should participate in any work relating to a case where such a conflict exists or could reasonably be perceived to exist. Transparency in such matters safeguards both the individual and the institution.
- (vi) A Law Clerk must demonstrate diligence, precision, and responsibility in research and writing. They should never misquote a judgment, misstate a fact, or rely upon unverified material. Errors or uncertainties, when discovered, must be promptly brought to the Judge's attention.
- (vii) A Law Clerk serves not only a Judge but the Supreme Court of India as a constitutional institution. Loyalty, therefore, extends beyond individual service, it entails preserving the integrity of the judicial process as a whole. Criticism or commentary that undermines the Court, or any other Judge, whether in public or on social media, is inconsistent with this institutional loyalty.
- (viii) Ethical responsibility does not end with official hours. Law Clerks must comport themselves in public and private life in a manner that reflects dignity, restraint, and respect for the position they hold. They must refrain from any behaviour that could bring disrepute to the Court, compromise its perceived independence, or raise questions about their impartiality.
- (ix) Law Clerks are discouraged from seeking personal favours, preferential treatment, recommendations for internships, employment, or any other benefit from the Judge,

Registry staff, or any member of the Court. Any attempt to leverage their position or access to the Judge's office for personal gain compromises the independence and impartiality of the judicial process and undermines public confidence in the institution.

2. CONFIDENTIALITY

- (i) Law Clerks are privy to sensitive, privileged, and often confidential information concerning judicial proceedings, deliberations, and administrative matters. The sanctity of such information lies at the heart of the judicial process. Therefore, absolute confidentiality and discretion are binding obligations.
- (ii) All information obtained by a Law Clerk in the course of their engagement whether related to pending or disposed cases, internal discussions, draft judgments, or administrative decisions must be treated as strictly confidential. This obligation continues beyond the tenure of the clerkship. Disclosure of such information, whether intentional or inadvertent, can undermine the fairness of proceedings, compromise judicial independence, and damage public faith in the institution.
- (iii) A Law Clerk shall not disclose or discuss, in any form or manner, any aspect of the cases before their Judge with third parties, including advocates, litigants, other Law Clerks, or members of the Court's staff who are not directly associated with the matter. This restriction applies equally to informal conversations, correspondence, and electronic communications. Similarly, no Law Clerk shall comment, orally or in writing, on the merits or substance of any pending or decided matter, whether in academic discussions, public forums, or private exchanges, unless the information is already a matter of public record and the Judge expressly permits such discussion for legitimate academic purposes.
- (iv) Law Clerks must exercise the highest caution in their online presence. They shall not post, share, or endorse any content, directly or indirectly, that pertains to cases before their Judge or the Supreme Court. This includes refraining from expressing opinions, sharing updates, or engaging in commentary related to ongoing judicial matters, constitutional issues under consideration, or the internal functioning of the Court. They must also avoid publicizing their own work or association with any particular case, order, or judgment, even if done with benign intent, as such actions can create misleading impressions or inadvertently reveal confidential information.

- (v) Law Clerks must not engage in any conversation with advocates, litigants, or other stakeholders concerning pending cases. Any attempt by an advocate or party to solicit information or influence outcomes must be declined firmly and immediately reported to the Judge. Law Clerks must also be vigilant against any form of professional or social interaction that may give rise to perceptions of impropriety or partiality.
- (vi) Law Clerks shall not, in informal or casual conversations, disclose any draft points, views, or conclusions being developed by their Judge to clerks of other Judges or to any other person.
- (vii) When working remotely or outside chambers, Law Clerks must ensure that work-related documents are not visible to or accessible by others. The use of secure passwords, encryption tools, and court-approved communication platforms is mandatory for all official correspondence and document handling.
- (viii) Confidentiality extends not only to judicial matters but also to administrative decisions, deliberations within the Judge's chambers, and internal communications of the Court. Information concerning the listing of matters, circulation of judgments, or administrative actions must not be disclosed to any external person unless authorized by the Judge or the Registry.
- (ix) Law Clerks are bound by the provisions of the Official Secrets Act, 1923, and violation of these obligations may attract penal consequences under law. The duty of confidentiality survives the conclusion of their tenure. Former Law Clerks must continue to maintain discretion in all public or private references to their work at the Supreme Court.
- (x) In any scholarly writing or public lecture during or after clerkship, a Law Clerk shall not disclose any conversation done or information received in the course of their clerkship with a Judge of the Supreme Court or from the Registry, except with the prior permission of the concerned Judge or the Registry.
- (xi) Judges, like all individuals, are entitled to privacy and personal dignity. Law Clerks must not disclose any personal or private information concerning their Judge, including travel plans, family matters, or personal opinions on political or social issues. A Judge's privacy is integral to the impartiality and independence of their office and must be

protected with the same rigour as judicial confidentiality.

3. PROFESSIONAL CONDUCT AND INTERPERSONAL RESPONSIBILITY

- (i) Every Law Clerk at the Supreme Court of India must exemplify the highest standards of professionalism in conduct, communication, and interpersonal relations. The office of a Judge functions as a collaborative environment that requires mutual respect, humility, and discipline from every individual who forms part of it.
- (ii) Law Clerks are expected to maintain decorum and courtesy at all times in their interactions with the Judge, fellow Clerks, residential staff of Judges including their secretaries, and officers and other staffs of the Registry. Politeness, punctuality, and prompt compliance with directions are essential features of professional conduct. The office of a Judge should be regarded as a place of solemn public service, and every act of a Law Clerk must demonstrate integrity, diligence, and respect for institutional hierarchy.
- (iii) Law Clerks work alongside other Clerks and administrative staff who collectively assist the Judge in fulfilling judicial and administrative responsibilities. Cooperation and mutual respect are indispensable. Disagreements, if any, must be handled with maturity and restraint.
- (iv) Communication, both written and verbal, must be precise, respectful, and free from informality or impropriety. Emails, notes, and oral discussions should adhere to institutional etiquette. The language used in internal communications must reflect professionalism, clarity, and restraint.
- (v) Law Clerks must maintain a neat, sober, and professional appearance consistent with the decorum of the Court. Punctuality, regular attendance, and adherence to timelines reflect professional integrity and respect for the judicial process. Absences should be communicated in advance.
- (vi) A Law Clerk is accountable for all work assigned and must ensure accuracy, completeness, and timeliness in every task undertaken. Drafts, research notes, and memoranda should be prepared meticulously, with proper citations and sound reasoning. In case of uncertainty regarding instructions or expectations, the Clerk must seek clarification rather than make assumptions. The Judge's trust in the Clerk's

competence and discretion is foundational to the working relationship and must be honoured scrupulously.

- (vii) Law Clerks shall promptly inform their co-clerks of any directions or instructions received from the Judge, except where the Judge has directed confidentiality or otherwise indicated that the communication is not to be shared.

4. SOCIAL MEDIA PRESENCE AND PUBLIC COMMUNICATION

- (i) Law Clerks must exercise utmost restraint, discretion, and responsibility in all forms of public communication, including social media, digital correspondence, and informal interactions in academic or professional settings. In the digital age, even a casual remark, a “like,” or a “shared post” can be interpreted telescopically. Therefore, Law Clerks must remain conscious that their online and offline presence carries implications for the dignity and impartiality of the Court.
- (ii) The social media activity of a Law Clerk should never give rise to the impression that they hold, or endorse, opinions on matters of public debate or legal controversy, particularly those that may be before the courts. Even general statements made on social media platforms including private or semi-private accounts can reach unintended audiences and be misconstrued. Law Clerks must therefore assume that all digital communications are public and permanent. The safest course is to avoid engaging in online discussions on legal, political, or policy matters during the tenure of their clerkship.
- (iii) Law Clerks must not share, forward, or upload on social media any material relating to their work in chambers, the Judge’s office, or the Supreme Court Registry including documents, notes, correspondence, or research. This prohibition extends to informal or private groups on social media or messaging applications. Even inadvertent sharing of non-public information, or seemingly innocuous details such as tentative judgment conclusions and pronouncement timelines, can compromise confidentiality and public trust in the institution.
- (iv) Law Clerks should never represent themselves directly or by implication as speaking on behalf of the Supreme Court, the Judge they assist, or the Registry. Any public comment, social media post, or publication that gives the impression of institutional endorsement is impermissible. Similarly, they should not refer to internal office

practices, judicial preferences, or private conversations with the Judge or court officials, as these may easily be taken out of context.

(v) Law Clerks shall not, under any circumstances, on social media or in public gatherings, offer comments upon or seek to defend any judgment delivered by the Judge to whom they assist, or any decision taken by the Registry.

(vi) The principle of political neutrality applies strictly to Law Clerks. They must refrain from expressing views on political developments, public controversies, or government policies, whether in person or online. The personal opinion of a Law Clerk may, however, unintentionally, be attributed to the Judge or the Supreme Court. Such misinterpretation may undermine the credibility of both the individual Judge and the institution. Therefore, Law Clerks must maintain strict silence on all politically or legally sensitive issues throughout their tenure and for a reasonable period thereafter.

(vii) While intellectual engagement is encouraged, any publication, lecture, opinion piece, or participation in public discussions that touches upon the judiciary, or any matter pending before the courts must receive prior approval from the Judge or the appropriate authority.

(viii) No article, essay, or commentary written by a Law Clerk, during or after their clerkship, shall, either directly or indirectly, disclose any non-public information or any other confidential deliberative material.

(ix) Law Clerks must avoid publishing any writing that could be perceived as reflecting the Judge's opinion or judicial philosophy.

5. PREVENTION OF SEXUAL HARASSMENT AND MAINTENANCE OF A SAFE WORKPLACE

(i) A respectful, dignified, and inclusive workplace is a foundational requirement of the Supreme Court's institutional culture. Every Law Clerk is entitled to a professional environment that is free from sexual harassment, gender-based discrimination, or any form of inappropriate conduct. Correspondingly, every Law Clerk bears an affirmative duty to uphold this standard for others within the workspace including fellow clerks, court staff, registry officials, and members of the Bar.

(ii) Law Clerks are accountable under the principles embodied in the Sexual Harassment

of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ('POSH Act') and the Gender Sensitization & Sexual Harassment of Women at the Supreme Court of India (Prevention, Prohibition and Redressal) Regulations, 2013. The Supreme Court Gender Sensitization and Internal Complaints Committee ('GSICC') functions as the competent authority to address and redress all such complaints.

- (iii) Sexual harassment, whether physical, verbal, or digital, will not be tolerated under any circumstances.
- (iv) Any act, gesture, communication, or conduct that creates an atmosphere of intimidation, hostility, or humiliation, particularly one of a sexual nature, constitutes misconduct and a breach of institutional ethics, and shall be covered under the POSH Act.
- (v) Acts or behaviour amounting to gender-based professional misconduct towards females and transgender persons⁸, include but are not limited to:
 - a) Casual references to one's superiority on the basis of gender.
 - b) Use of derogatory language, slurs, misogynist remarks, nicknames, or insinuations directed at an individual's gender identity;
 - c) Consistently shouting or demeaning your colleagues on the basis of gender;
 - d) Differential treatment in assigning work, extending mentorship, evaluating performance, or providing access to opportunities based on gender;
 - e) Exclusion from informal discussions, group activities, or professional circles on the basis of gender;
 - f) Circulation or endorsement of gender-related jokes, memes, or content on social media or messaging platforms;
 - g) Implicit biases reflected through tone, body language, or conduct that result in humiliation, alienation, or unequal treatment;
 - h) Invoking gender identity to question the merit, competence, or suitability of a

⁸ As defined under section 2(k) of the Transgender Persons (Protection of Rights) Act, 2019.

person;

- i) Any practice or comment that, intentionally or otherwise, reinforces social hierarchy or perpetuates stigma associated with gender.

(vi) This policy applies regardless of the seniority, rank, or professional status of the individuals involved.

6. EQUITABLE AND RESPECTABLE WORKPLACE

(i) Discrimination on the grounds of caste, religion, gender, sexual orientation, disability⁹ or social background is unconstitutional and directly contrary to the spirit of Articles 14, 15, and 17 of the Constitution of India.

(ii) Law Clerks are required to uphold the highest standards of inclusivity and respect for all colleagues, staff members, and advocates. Any expression, overt or subtle, that demeans or stereotypes individuals based on their caste identity whether in conversation, social media posts, humour, or professional settings constitutes a violation of institutional ethics and may invite disciplinary consequences.

(iii) Acts or behaviour amounting to caste-based professional misconduct towards the Scheduled Castes and the Scheduled Tribes include but are not limited to:

- a) Casual references to one's superiority on basis of caste.
- b) Use of derogatory language, slurs, nicknames, or insinuations directed at an individual's caste identity or ancestral occupation;
- c) Differential treatment in assigning work, extending mentorship, evaluating performance, or providing access to opportunities based on social background;
- d) Exclusion from informal discussions, group activities, or professional circles on the basis of caste;
- e) Circulation or endorsement of caste-related jokes, memes, or content on social media or messaging platforms;
- f) Implicit biases reflected through tone, body language, or conduct that result in

⁹ For broader obligations, see the Rights of Persons with Disabilities Act, 2016.

humiliation, alienation, or unequal treatment;

g) Invoking caste identity to question the merit, competence, or suitability of a person;

h) Any practice or comment that, intentionally or otherwise, reinforces social hierarchy or perpetuates stigma associated with caste.

(iv) Law clerks should not indulge in any conduct, which is prohibited and punishable under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

(v) Law Clerks must consciously promote a professional atmosphere of mutual respect, empathy, and equality. Every Law Clerk shares collective responsibility in ensuring that the workplace is free from prejudice or microaggressions that reinforce social exclusion.

(vi) Inclusivity extends beyond avoidance of discriminatory conduct, it requires sensitivity to the lived experiences of others and awareness of one's own social position. Language, tone, and gestures must always be measured and respectful, reflecting the inclusive ethos of the Court.

(vii) Any Law Clerk who experiences or witnesses caste discrimination should report the incident to the Registrar (Human Resources), or to any other Designated Officer under the Supreme Court's internal guidelines. The Supreme Court's administration will ensure that complaints are dealt with promptly, confidentially, and with due sensitivity.

(viii) No Law Clerk shall demean, ridicule, or otherwise make derogatory remarks about a colleague on account of their disability.¹⁰

7. ETHICAL USE OF ARTIFICIAL INTELLIGENCE (AI)

(i) Law clerks shall not engage in any unethical or inappropriate use of Generative AI tools.

(ii) A law clerk shall ensure that all research drafts or material prepared by them contain accurate content and do not infringe any intellectual property rights.

¹⁰ Please see section 2(h) of the Rights of Persons with Disabilities Act, 2016.

- (iii) A law clerk must verify that all references to case law, legislation, textbooks, or articles generated through AI tools actually exist and correctly represent the legal positions attributed to them.
- (iv) If the content includes extracts or quotations, the law clerk must confirm that these are reproduced accurately and attributed to the correct source.
- (v) When verifying materials in a research draft, a law clerk shall rely only on authentic and authoritative sources. Generative AI tools shall not be used to confirm the existence or accuracy of any cited material.
- (vi) A law clerk shall not use Generative AI tools to rephrase or paraphrase an article without providing full and accurate citation of the original source, including the author's name, title of the article, and year of publication. Rephrasing or reproducing AI-generated content without proper referencing may amount to plagiarism and ethical misconduct.
- (vii) A law clerk must not disclose any confidential or sensitive information to Generative AI tools, as any data shared with such platforms may become publicly accessible.
- (viii) Any use of AI in preparing drafts or summaries must be accompanied by due intellectual diligence and human review. The ultimate responsibility for the accuracy, integrity, and propriety of the research rests with the Law Clerk.
- (ix) If a law clerk is found to have used AI tools in the preparation of research documents unethically, they shall be deemed to have committed professional misconduct, and the Judge/Registry may take appropriate disciplinary action against them.

8. CONDUCT DURING AND AFTER THE TERM OF ASSIGNMENT¹¹

- (i) A Law Clerk shall maintain devotion to duty and a high standard of morals during the assignment term. The Law Clerk shall also maintain a high standard of reputation and integrity commensurate with the responsibilities entrusted to them.
- (ii) A Law Clerk, whether attached to a Judge's office or in the Registry, shall maintain utmost secrecy in respect of matters which come to their notice by virtue of the

¹¹ Clause D of the Annexure B, Scheme of Engaging Law Clerk-cum-Research Associates on Short-Term Contractual Assignment in the Supreme Court of India.

assignment. A Law Clerk will not disclose any information, document or any other thing which comes to their knowledge on account of such official attachment even after completion of the assignment term, unless such disclosure is legally required in discharge of lawful duties.

- (iii) A Law Clerk will be governed by the provisions of the Indian Penal Code and the Indian Official Secrets Act, 1923 as applicable to any public servant.
- (iv) A Law Clerk will not accept any other assignment during their assignment term as Law Clerk. They shall not practise as an Advocate in any Court of Law during the course of their assignment term as Law Clerks.
- (v) A Law Clerk shall not appear for a period of two years before the Judge with whom he was attached as a Law Clerk.
- (vi) A Law Clerk will not leave Delhi-NCR without seeking permission from the Judge or the supervising authority concerned.
- (vii) A Law Clerk will not avail leave without getting it sanctioned, in advance. In any case of emergency, a Law Clerk will immediately contact and convey the Private Secretary to the Judge concerned or the supervising authority about their inability to attend office.
- (viii) A Law Clerk shall maintain punctuality in attending to their duties.

VI. ANNEXURE 1 – POINTERS FOR DIFFERENT TYPES OF BRIEFS

(i) Key Pointers for Property Dispute Briefs

- In the headnote, clearly identify:
 - the legal relationship between the parties (e.g. tenant-landlord or contesting owners of property)
 - the nature of the claim (e.g. tenancy or ownership) and the relief sought (e.g. temporary injunction or declaratory relief) and
 - size and value of the disputed property.
- Clearly specify the pieces of evidence relied on by lower courts (e.g. title deeds, land registry mutations, witness testimony, correspondences).
- Where relevant, clearly identify state, local regulation, or custom, that may govern the dispute (e.g. rent control statutes or personal succession laws).
- Parties may attempt to characterize the transaction in a particular manner (e.g. sale deed instead of mortgage) in which case highlight the lower court's observations about the intention of the parties in entering into agreements.
- In recording the conduct of the parties and the procedural history, pay attention findings on general legal principles such as waiver, estoppel, limitation, and adverse possession. Also note the interplay of criminal and civil law. Parties often institute criminal litigation to influence the outcome of pending property disputes.

(ii) Key pointers for Service Dispute Briefs

- In the headnote, clearly identify:
 - the post in dispute;
 - the legal relationship between the parties (i.e. whether the dispute is between employee/candidate and employer or inter-se candidates);
 - the cause of action (e.g. non-appointment, non-payment of pensionary benefits, or non-application of reservation); and
 - the relief sought.
- Clearly state if the claimant(s) is a single individual or a class of individuals.
- Identify the date of the original cause of action and period of appointment / non-

appointment in dispute. This may be significantly prior to any legal dispute being raised and reliefs may have become infructuous.

- Clearly identify the delegated legislation (Rules, Government Orders, Office Memorandums etc.) governing the disputed post and hence applicable to the claimant(s).
- Where relevant, state the pecuniary loss suffered due to denial of benefits (salary + perks).
- When summarizing the procedural history pay attention to: (i) time period between denial of claim and approaching court / tribunal; (ii) if the claim has been denied by tribunal and the claimant approached High Courts under writ jurisdiction; and (iii) if benefits have been granted / denied to individuals belonging to the same class as the claimant.
- Distinguish between a claim that will only affect the parties to the dispute and a claim that will affect an entire class of individuals.

(iii) Key pointers for Criminal Case Briefs

- In the headnote, clearly identify:
 - the outcome of the impugned judgment (e.g. conviction, acquittal, partial acquittal);
 - whether the appeal / SLP is by the accused or the state;
 - whether the case concerns a single accused or multiple;
 - the sections of the IPC / other acts under which the accused has been charged under [Note: where the accused is charged under uncommon sections of the IPC or specialised statutes (e.g. Arms Act), footnote the section and explain the offence in a line]; and
 - if the accused is in custody or released on bail.
- Always draw a clear distinction between uncontested / judicially determined facts and allegations over disputed facts. Until an accused has been convicted by a court, the crime is not proved so qualify the crime with ‘allegedly’ or ‘accused of’.
- Set out the case of the complainant / victim / prosecution. Identify the relationship between accused and the victim. This can be found in either the FIR or in the orders of lower courts.
- Set out any context necessary to explain motive and identify the (i) crime; (ii) scene of

the crime; (iii) eye-witnesses; (iv) weapon used; (v) aftermath of the crime; and (vi) date of filing of FIR.

- It is important to identify the accused-in-question's role in the commission of the crime (e.g. conspirator, main accused, or co-accused).
- Where there are concurrent findings by lower courts, it is sufficient to briefly summarize the trial court's orders. Refer to the key pieces of evidence and the rationale of the trial court in arriving at its decision.
- Where there are divergent findings by lower courts, it is necessary to set out clearly both: (i) the trial court's basis for arriving at its decision, and (ii) how the High Court dealt with the evidence and rationale applied by the trial court, and (iii) the High Court's independent rationale (if any) for arriving at its decision.
- When summarizing the impugned judgment, identify: (i) key discussions on evidence, (ii) discrepancies / consistencies in testimonies of key witnesses; (iii) conduct of the accused; (iv) how the weapon was identified and recovered; and (v) nature of injuries suffered and accompanying medical evidence (post-mortem is very relevant in cases resulting in deaths).
- Clearly mention page number for findings on all the above, whether in the impugned judgment or in the annexures.
- It is not necessary to discuss the case-law discussed by lower courts in arriving at their decisions however it is important to identify general principles applied by the lower courts such as, the burden of proof, the evidentiary threshold to be satisfied, and the specific elements of offences.
- In exceptional cases where the impugned order is unusually large (e.g. 80+ pages) or in the case of divergent findings on different sets of facts by lower courts, it is acceptable to exceed the one-page limit.

(iv) Key pointers for Consumer Dispute Briefs

- In the headnote, clearly identify:
 - the legal relationship between the parties (e.g. home-buyer and developer, doctor and patient)
 - the deficiency in service that caused proceedings to be instituted; and
 - the quantum of compensation in dispute before the Supreme Court.

- Identify whether the dispute before the Supreme Court is over the existence of any liability or merely the quantum of compensation to be awarded. (Very often parties merely seek a reduction/enhancement of compensation.)
- Where the dispute concerns the existence of liability, focus on key pieces of evidence used by lower forums to establish/not establish liability. However, where the dispute concerns quantum of compensation, focus on factors used by lower forums to justify compensation.
- Clearly state the reliefs awarded by all lower forums including interest rates on compensation.
- In home-buyer and developer disputes, clearly set out: (i) date of allotment letter; (ii) date of completion as per allotment letter; (iii) any grace period; (iv) any liquidated damages set out for delay; (v) whether home-buyer is seeking possession or refund; and (vi) date of actual handover of possession.

(v) Key pointers for Transfer Petition Briefs

- Briefs should be minimal, rarely exceeding half a page. Stick to template provided.
- Clearly identify:
 - the legal relationship between the parties involved in the underlying case (e.g. husband-wife, complainant-accused);
 - which party is seeking the transfer of the underlying case;
 - the underlying case sought to be transferred (e.g. divorce proceeding or restitution of conjugal rights); from where to where the underlying case is sought to be transferred; and in matrimonial disputes the date of the marriage and age of children.
- Transfer petitions have no bearing on the merits of the underlying case and the factual matrix should be restricted to understanding the geographical location of the parties and any factors hindering travel and appearance in a particular court.
- Identify and set out all pending proceedings between the parties.
- Grounds should be limited to only factors that would prevent or impair travel to the court in question (e.g. financial or health difficulties, dependents, threat of violence).

(vi) Key pointers for MACT dispute Briefs

- Stick to template provided and include table.

- Briefly describe the position of the parties and the facts of the accident resulting in loss.
- Focus on the calculation of compensation by the Tribunal and the High Court. Liability for the accident are largely settled by the tribunal and questions of enhancement/reduction of compensation are in issue.
- Identify the income and multiplier and clearly state the differences and reasons for differences between the compensation granted by the Tribunal and the High Court.
- Where lower courts have relied on key pieces of evidence to establish income, age or other factors, clearly set this evidence out with page numbers.
- Where enhancements and reductions in compensation appear discretionary, clearly identify them and their stated reasons (or lack thereof).

(vii) **Key pointers for Indirect Taxation Briefs**

- In the headnote, clearly identify:
 - the disputed liability (as distinct from the total tax liability of the assessee);
 - the relevant assessment period during which the disputed liability arose;
 - whether the appeal has been filed by the assessee or the revenue; and
 - the nature of the dispute (e.g. applicability of a head of taxation, disputed receipts etc.)
- Where the dispute concerns the applicability of a head of taxation, reproduce the head of taxation (Sections of Finance Act) pressed by the revenue verbatim and identify nature of the business as evidenced through the assessee's constitutive documents, relevant contractual clauses or correspondence.
- When summarizing the procedural history of the dispute, specify the liability claimed by the show cause notice, decisions of the commissioner and mention (i) what the disputed liability at the CESTAT was and (ii) what the disputed liability before the Supreme Court is (the assessee may only be contesting a portion of the liability imposed by the show cause notice, commissioner or CESTAT).
- The CESTAT may cite precedent to (i) justify a rule of interpretation, or (ii) where assesses of a similar nature have been taxed/exempted. Focus on the rule/nature of assesses relied on by the CESTAT.
- In the grounds section of the SLP check if the Supreme Court has issued notice in a

connected matter or a matter where a similar liability was disputed (often by an assessee within the same group structure or arising from the same head of taxation).

(viii) **Key Pointers for Inter-State Water Dispute Briefs**

- Before making the brief, clearly identify the inter-state agreement bifurcating the watercourse, who the state parties are, the timeline of the dispute, and whether the interstate panel rendered any reports or findings.
- Identify the specific claims made by the parties and the reliefs sought by the parties from the Supreme Court (as distinct from the overall dispute which may be of an ongoing nature).
- Identify any agreed upon positions between the parties to eliminate extraneous claims or arguments.
- Understanding what is in dispute before the Supreme Court, only record facts necessary to make sense of the dispute before the Court. Annexures may include sizeable panel reports and scientific evidence. Isolate relevant evidence by examining the pleadings of the parties.
- Disputes between states often traverse beyond strict legal interests. Try identifying the specific reason/benefit/interest which underlies the position adopted by the state.
- There is discretion to add a note in the end providing an overview of the dispute or the principal basis of the claims.

VII. REFERENCES

1. Government of India, Central Civil Services (Conduct) Rules, 1964 (Ministry of Personnel, Public Grievances & Pensions, Government of India) https://dopt.gov.in/sites/default/files/CCS_Conduct_Rules_1964_Updated_27Feb15_0.pdf.
2. John Paul Jones, Some Ethical Considerations for Judicial Clerks, 4 Geo. J. Legal Ethics 771 (1991).
3. SA Sobel (ed), Law Clerk Handbook: A Handbook for Law Clerks to Federal Judges (2nd edn, Federal Judicial Center 2007) 1 <https://public.resource.org/scribd/8763855.pdf>.
4. Federal Judicial Center, Maintaining the Public Trust: Ethics for Federal Judicial Law Clerks (Revised Fourth Edition) (Judicial Conference of the United States, October 2018) https://oscar.uscourts.gov/assets/Maintaining_Public_Trust.pdf.
5. Federal Judicial Center, Law Clerk Handbook: A Handbook for Law Clerks to Federal Judges (4th edn 2020) https://www.cafc.uscourts.gov/wp-content/uploads/HR/Forms/Law_Clerk_Handbook_Fourth_Edition-1.pdf.
6. Bhaskar, Law Clerks and Access to Judges: A Comparative Reflection on the Recruitment Process of Law Clerks in India, 6(1) COMP. CONST. L. & ADMIN. L.J. 58 (2021).
7. Law Council of Australia, Australian Solicitors' Conduct Rules 2022: Commentary (Law Council of Australia) <https://lawcouncil.au/publicassets/e219b6df-9ff7-ee11-9494-005056be13b5/ASCR%20Commentary.pdf>.
8. Joshua Wilner, 'To Be or Not to Be? Some Legal Ethics for Judicial Law Clerks' (2023) 101 The Canadian Bar Review 369 <https://cbr.cba.org/index.php/cbr/article/download/4179/4172/4179>.
9. Supreme Court of the State of New Hampshire, Rule 46: Law Clerk Code of Conduct (2024) <https://www.courts.nh.gov/rules-supreme-court-state-new-hampshire/rule-46-law-clerk-code-conduct>.

10. Ministry of Electronics and Information Technology, Do's and Don'ts for General Conduct (Government of India) <https://www.meity.gov.in/connect/grievance-redressal/details/Title=Do's-and-Don'ts-for-General-Conduct-YDM5AjMtQWa>.
11. Guide to Judiciary Policy, Vol 2: Ethics and Judicial Conduct, Pt A: Codes of Conduct (United States Courts) <https://www.uscourts.gov/file/42004/download>.
12. Scheme of Engaging Law Clerk-cum-Research Associates on Short-Term Contractual Assignment in the Supreme Court of India <https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/uploads/2024/01/2024012565.pdf>.
13. Singapore Judiciary, Guide on the Use of Generative Artificial Intelligence Tools by Court Users (2024) https://www.judiciary.gov.sg/docs/default-source/news-and-resources-docs/guide-on-the-use-of-generative-ai-tools-by-court-users.pdf?sfvrsn=3900c814_1
14. University Grants Commission, Saksham: Measures for Ensuring the Safety of Women and Programmes for Gender Sensitization on Campuses (UGC 2013).
15. The Transgender Persons (Protection of Rights) Act, 2019.
16. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
17. The Rights of Persons with Disabilities Act, 2016.
18. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.