

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services – State Services – Andhra Pradesh State prosecution
Service – Special Rules – Issued.

HOME (COURTS.C) DEPARTMENT

G.O.MS.No. 188

Dated: 30th March, 1992.

Read the following:-

1. D.O.Lr.No. letter No. 275/OMC/SPF.Services.II/89-1 dt. 31.5.89.
2. D.O.lr.No. 2914/cts.C)87-24, dt.17.08.1990.
3. From the Director of Prosecutions letter No. 283/B1/90 Dated:25.8.1990.
4. From the One Man Commission letter No.431/OMC/(SPF/Ser)/90-4, dated 10.5.1991.
5. Government letter No.2914/Cts.C/87-14, dt.13-2-92.
6. From the Andhra Pradesh Public Service Commission Letter No.636/RR/4/92, Dt.25.2.1992.
7. Government letter No.2914/Cts.C/87-4, Dated.7.3.1992.
8. From Andhra Pradesh Public Service Commission Letter No.636/RR/4/92, Dt.25.3.1992.

ORDER:

The State Government have contemplated the creation of a Special Prosecution Agency to ensure conducting of prosecutions properly and efficiently. The Law Commission of Government of India as well as One Man Police Commission appointed by the State Government have recommended the creation of separate Prosecution Agency. Keeping in view the above recommendations, Government have constituted an exclusive Directorate of Prosecutions vide G.O. Ms.No 323 Home dated 26.5.1986. In as much as Assistant Public Prosecutors are called with different designations in Andhra and Telangan areas and are governed by different set of rules, it was decided to amalgamate these posts, and frame unified rules entitled the Andhra Pradesh State Prosecution Service Rules. Accordingly, draft rules were prepared by the One Man Commission (Service Rules). These rules were examined by the Government. In pursuance to these rules, Government have initiated deliberations with the concerned agencies and they have considered it advantageous to organize the prosecution service with recruitment at different levels so that opportunities would be available both for senior and junior members of Bar to join the prosecution service. It was accordingly decided interalia.

To organize the prosecution service in hierarchy comprising:-

- (a) Assistant Public Prosecutors
- (b) Senior Assistant Public Prosecutors
- (c) Additional Public Prosecutors Gr. II & Gr. I.
- (d) Public Prosecutors.

and to bring the services under the administrative control of Director of Prosecutions and also to finalize the draft rules for prosecution service.

Government, after careful examination, issue Special Rules for Andhra Pradesh State Prosecution Service and order that the following Notification shall be published in the Andhra Pradesh Gazettee:-

NOTIFICATION

In exercise of the powers conferred by the proviso at article 309 of the Constitution of India read with sections 24 and 25 of the code of criminal procedure, 1973 (Act-II of 1974) and in supersession of the rules issued in G.O.Ms.No.1466 General Administration (Rules) Department, Dated the 12th October, 1959, and G.O.Ms.No.160 Home Department dated the 31st January, 1964 and of all other rules in force on the subject, the Governor of Andhra Pradesh hereby makes the following Special Rules for the Andhra Pradesh State Prosecution Service:-

RULES

1.Short title and commencement:-

- (1) These rules may be called the Andhra Pradesh State Prosecution Rules, 1992.
- (2) These rules shall come into force with immediate effect.

2.Constitution:-

The service shall consist of the following categories of posts in the Andhra Pradesh State Prosecution service:

Category-1	: Director of Prosecutions
Category-2	: Additional Director of Prosecutions
Category-3	: Public Prosecutor/Joint Director of Prosecutions
Category-4	: Additional Public Prosecutors –Grade-I Deputy Director of prosecutions.
Category-5.	: Additional Public prosecutors, Grade-II
Category-6	: Senior Assistant Public Prosecutor.

3.Method of appointment:-

Subject to other provisions in these rules, the method of appointment for the several categories shall be as follows:-

Category (1)	Method of appointment (2)
1. Director of Prosecutions	(a) By promotion from the category of Additional Director of Prosecutions- Category 2 with a service of not less than 2 years. (b) If no suitable candidate is available for promotion in the category of Additional Director by transfer or on deputation from the State Higher Judicial Service.

(c) By transfer or on deputation from the I.P.S. Cadre of the Andhra Pradesh an Officer of and above the rank of Deputy Inspector General of Police possessing a Law Degree.

Category (1)	Method of appointment (2)
2. Additional Director of Prosecutions	By promotion from the category of Public Prosecutor/Joint Director of Prosecutions, Category-3 with a service of not less than 2 years or by transfer or on deputation from Andhra Pradesh State Higher Judicial Service.
3. Public Prosecutor/ Joint Director of Prosecutions	By promotion from the category of Additional Public prosecutor grade-1/Deputy Director of Prosecution –Category-4 with a service of not less than 2 years or by transfer or on deputation from the State Judicial Service of the cadre of Sub- Judges.
4. Additional Public Prosecutor, Grad-I/ Deputy Director of prosecutions	By promotion from the category of Additional Public Prosecutor. Dr.II, Category-5 with a service of not less than 3 years or by transfer or on deputation from State Judicial Service of the Cadre of Munsif Magistrate.
5. Additional Public prosecutor, Grade-II.	(i)70% by promotion from the category-6- Senior Assistant Public Prosecutor with a service of not less than 2 years (ii) 30% by direct recruitment
(6). Senior Assistant Public Prosecutor	By promotion from the category –7 Assistant Public Prosecutor with a service of not less than 2 years.
(7) Assistant Public Prosecutor	By direct recruitment.

Note:- (a) 30% of the substantive vacancies in the category of Additional Public prosecutor, Gr.II (Category-5) shall be filled by direct recruitment.

(b) The remaining vacancies in the category of Additional Public prosecutor, Grade-II shall be filled by promotion from the category –6. if a suitable or qualified person in the category of senior Assistant public prosecutor is not available, the said vacancies shall also be filled by direct recruitment or by contract.

(c) The State level recruitment Board in Police Department shall from time to time hold the examination/selection for the candidates for appointment by direct recruitment.

4.Reservation of appointment:-

- (a) The rule relating to the Special representation (General rule 22) shall apply for appointment by direct recruitment to the various posts covered by these rules. The quota earmarked for physical Handicapped persons in the said rules shall, however, be filled in by orthopedically Handicapped persons i.e., those whose speech, hearing and sight are not impaired.
- (b) The provisions of sub-rule (2) of General Rule 22-A shall also be applicable to the direct recruitment to the various post covered by these rules

5.Qualifications:

No person shall be eligible for appointment to the categories specified in column (1) of the Table below by the method specified in column (2) unless he possesses the qualifications specified in the corresponding entry in column (3) thereof:-

Category (1)	Method of appointment (2)	Qualifications (3)
5. Additional Public prosecutor Grade-II	By direct recruitment or by promotion	(i) Must possess a Bachelor's Degree in any subject with a Bachelor's Degree in Law of a University in India established or incorporated by or under a Central Act a provincial Act or an Institutions recognized by the University grants commission or an equivalent qualification (ii) Must have practiced as an Advocate for not less than seven years for direct recruitment.
7. Assistant Public Prosecutor	By direct recruitment	(i) Must possess a Bachelor's Degree in any subject with a Bachelor's Degree in Law of a University in India established or incorporated by or under a Central Act, Provincial Act or a State Act or an institution recognized by the University Grants Commission or an equivalent qualification. And (ii) Must have practiced as an Advocate and must have not less than 3 years active practice in Criminal Courts in the State.

6.Age: No person shall be eligible for appointment by direct recruitment to the post of Assistant Public Prosecutor if he has completed 28 years of age and to the post of Additional

Public Prosecutor, Grade. II if he has completed 35 years of age on the 1st day of July of the year in which the notification for recruitment is made.

7. Probation:- Every person appointed by direct recruitment shall be on probation for a total period of two years on duty within a continuous period of three years, and every person appointed by promotion shall be on probation for a total period of one year on duty within a Continuous period of two years from the date on which one commences his probation.

8. Training:- (a) The approved candidates shall undergo, before promotion to any category, training as per such programme and syllabus as may be prescribed by the Director of Prosecutions with the approval of Government from time to time.

(b) Every person appointed by direct recruitment shall undergo, immediately after appointments a course of training for such period and as per such programme and syllabus as may be. Prescribed by the Director of Prosecutions with the approval of the Government.

(c) Every person appointed by direct recruitment as Assistant Public prosecutor or Additional Public Prosecutor, Grade.II, shall before the commencement of training, execute an agreement bond that he shall serve the Department for a period of not less than three years after the completion of training referred to in sub-rule(b).

He will be liable to refund to the Government the pay and allowances and any other remuneration received by him in addition to the amount spent by the Government on his training:-

- (i) If he fails to serve the Department for a period of 3 years after the completion of his training for any reason: or
- (ii) If he discontinues the training or is discharged from training course for misconduct or any other reason: or
- (iii) If he secures any other employment elsewhere than under the State Government the instructions issued in G.O.ms.No.268 Finance and Planning (FR.I) Department dated the 8th September, 1980, may be followed.
- (d) The period of training shall count for purposes of probation, increments, leave and pension.
- (e) A direct recruitment shall be eligible during the period of training, for the initial pay of the post with usual allowances admissible at the place of training.

9. Tests:-

- (a) Every person appointed by direct recruitment shall pass the Accounts Test for Executive officers within the period of probation.
- (b) No person shall be eligible for promotion unless he has passed the Account Test for Executive officers before such promotion.

10. Unit of appointment:-

For purposes of recruitment, appointment, discharge for want of vacancy, reappointment, seniority, promotion, transfer and posting and appointment as full member to the post specified in column (2) of the table below the Unit of appointment shall be as specified in column(3) thereof:-

Category (1)	Post (2)	Unit of appointment
Senior Assistant Public prosecutors		<u>Zone-I:</u> Comprising Srikakulam, Viziangaram and Visakhapatnam Districts.
7.Assistant Public Prosecutor.		<u>Zone-II :</u> Comprising East Godavari, West Godavari and Krishna Districts. <u>Zone-III:</u> Comprising Guntur, Prakasam and Nellore Districts. <u>Zone-IV:</u> Comprising Chittoor, Cuddapah, Anantapur and Kurnool Districts. <u>Zone-V:</u> Comprising Adilabad, Karimnagar, Warangal and Khamma Districts <u>Zone-VI:</u> Comprising Hyderabad, Nizamabad, Mahbubnagar, Medak, Nalgonda and Rangareddy Districts.

11. Transitional Provisions:-

1. Till such time a member of the service eligible for promotion to categories 3 to 5 is available, the post of Public prosecutor or Additional Public Prosecutor, grade-I, Additional Public Prosecutor, Grade-II may be filled on contract for not more than 3 years and on such terms and conditions as the State government may prescribe in this behalf by persons who have been in practice as an Advocate for not less than seven years from a pane - suggested by the Director of Prosecutions.
2. Not with standing sub-rule (1), till such time a person eligible for promotion to category -4 is available the post of Deputy Director of prosecutions may be filled by appointment on deputation of a person working as District Munsif for a period of not less than five years from a panel of names suggested by the High Court.
3. Not with standing sub-rule (1) till such time a person eligible for promotion to the post of Joint Director of Prosecutions (Category-3) is available it may be filled by appointment on deputation of a person working as subordinate Judge for not less than five years from a panel suggested by the high Court.

4. Till such time a person eligible for promotion to category 2 is available, the post of an Additional Director of Prosecutions may be filled by appointment on deputation of a person working as District and Sessions Judge, Grade-II, from a panel suggested by the High Court.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**DR. K.A. NARAYANA SWAMY
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Director of Prosecutions, O/o the Director General & Inspector General of Police, Hyderabad.

All District and Sessions Judges.

All Superintendents of Police.

All collectors.

The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.
(10 copies) .

The Commissioner of Printing, Stationery and Stores Purchase
Hyderabad

(2 Copies)for publication in the next issue of Andhra Pradesh
Gazettee. He is requested to furnish 350 copies of Notification.

The General Administration (Service) Department.

//Forwarded:: By:: Order//

SECTION OFFICER