

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 the 30th March, 1992.
Read the following:-

- 1.D.O.Letter No.275/OMC/SPF.Ser.II/89-1, dt.31.5.1989.
- 2.D.O.Letter No.2914/Cts.C/87-24, dt.17.8.1990.
- 3.From the Director of Prosecutions Letter No.283/B1/90, dt.25.8.1990.
- 4.From the One Man Commission Letter No.431/OMC(SPF.SER)/90-4, dt.10.5.1991.
- 5.Government Letter No.2914/Cts.C/87-14, dt.13.2.1992.
- 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, dt.7.3.1992.
- 8.From Andhra Pradesh Public Service Commission Letter No.636/RR/4/92, dt.25.3.1992.

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ORDER:

The State Government have contemplated the creation of Special Prosecution Agency to ensure conducting of Prosecution 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 GO Ms.No.323, Home dt.26.5.1986. In as much as Assistant Public prosecutors are called with different designations in Andhra and Telangana Areas and are governed by different section 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 opportunity should be available both for senior and junior members of Bar are to join the Prosecution Service. It was accordingly decided interalia.

To organize the Prosecution Service hierarchy comprising:-

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

and to bring the services under the administrative control of Director of Prosecutions and also to finalise the draft rules for Prosecutions Services.

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 Gazette.

NOTIFICATION

In exercise of the powers conferred by the proviso to 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 super-session 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 Services:-

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1. Short Title and commencement:-

- (1) These rules may be called The Andhra Pradesh State Prosecution Service 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 Services.

Category-1	::	Director of Prosecutions
Category-2	::	Additional Director of Prosecutions
Category-3	::	Public Prosecutor/Joint Director of Prosecutions
Category-4	::	Additional Public Prosecutor Grade-I/Deputy Director of Prosecutions
Category-5	::	Additional Public Prosecutor Grade-II
Category-6	::	Senior Assistant Public Prosecutor
Category-7	::	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 <u>OR</u> (c) By transfer or on deputation from the IPS cadre of the Andhra Pradesh an officer or and above the rank of Deputy Inspector General of Police possessing a Law Degree.
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-I/Deputy Director of Prosecutions Category-4 with a service of not less than 2 years or by transfer or on deputation from State Judicial Service of the cadre of Sub-Judges,
4. Additional Public Prosecutor Gr. I/ Deputy Director of Prosecutions	By promotion from the category of Additional Public Prosecutor Grade-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

Contd...3/-

5. Additional Public Prosecutor Gr. 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 Grade-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, 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 Physically Handicapped persons in the said rules, shall however, be filled in by Orthopaedically Handicapped persons i.e. those whose speech, hearing and sight are not impaired.
- (b) The provisions of sub-rule (2) of General Rule of 22-A shall also be applicable to the direct recruitment to the various posts 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:-

- (ii) Must have practiced as an Advocate and must have not less than 3 years active practice in Criminal Courts in the State.

AMENDMENT

(*) Provided that the candidates having passed the five year course in Law after Intermediate shall also be eligible for recruitment to the posts of Asst. Public Prosecutors (Added as per G.O.Ms.No.448, Home (Courts.C) Dept., dt.16.9.1992.

6. Age:- No person shall be eligible for appointment by direct recruitment to the post of Assistant Public Prosecutor if he has completed 30 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. (**)

AMENDMENT

(**) Age is amended from 28 to 30 years as per GO Ms.No.448, Home (Courts.C) Department, dt.16.9.1992).

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 Asst. Public Prosecutor or Addl. Public Prosecutor Gr.II, shall before 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 GO Ms.No.268, Finance and Planning (FR.I) Department dt.8th September, 1980 may be followed.
- (iv) The period of training shall count for purpose of Probation, Increments, leave and Pension.
- (v) A direct recruit shall be eligible during the period of training, for the initial pay of the post with usual allowances admissible at the place of training.

Category (1)	Post (2)	Unit of Appointment (3)
6.	Senior Assistant Public Prosecutor	Zone-I : Comprising Srikakulam, Vizianagaram and Visakhapatnam Districts
7.	Assistant Public Prosecutor	Zone-II: Comprising East Godavari, West Godavari and Krishna Districts
		Zone-III : Comprising Guntur, Prakasam, and Nellore Districts
		Zone-IV: Comprising Chittoor, Cuddapah, Ananthapur and Kurnool Districts
		Zone-V: Comprising Adilabad, Karimnagar, Warangal and Khammam Districts
		Zone-VI: Comprising Hyderabad, Nizamabad, Mahaboobnagar, Medak, Nalgonda and Ranga Reddy Districts

- (3) Notwithstanding 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 and Inspector
General of Police, Hyderabad.