

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. 25.8.90.
- (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 Service Commission Letter No. 636/RR/4/92, dt. 25.3.1992.

-XDO:-

R D E R:-

The State Government have contemplated the creation of a 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 G.O.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 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 organise 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 Organise 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 finalise 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 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 supersession of the rules issued in G.O.Ms. No. 1166 General Administration (Rules) Department, dated the 12th October, 1959, and G.O.Ms. No. 160 Home Department dated the 21st 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:-

R U L E S

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 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
- 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>O R</u>
	(c) By transfer or on deputation from the IPS cadre of the Andhra Pradesh an officer of 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 Prosecution 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 the State Judicial Service of the cadre of Sub-Judges.
4. Additional Public Prosecutor, Grade-I/Deputy Director of Prosecutions By promotion from the category of Additional Public Prosecutor, Gr. 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 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 Orthopaedically Handicapped persons i.e., those whose speech, hearing and sight are not impaired.

(b) The provisions of sub-rule (2) of General Rule 22 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:-

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 a State Act or an Institution recognised by the University Grants Commission or an equivalent qualification. (a) (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 of India established or incorporated by or under a Central Act, Provincial Act or a State Act or an Institution recognised by the University Grants Commission or an equivalent qualification. and (ii) Must have practised as an advocate and must have not less than 3 years active practice in Criminal Courts in the State.
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(a)

A M E N D M E N T

Provided that the candidates having passed the five year course in Law after Intermediate shall also be eligible for recruitment to the posts of APPs (Added as per G.O.Ms.No.448, Home(Courts-C) Department, dt.16.9.1991.

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, Gr. II if he has completed 35 years of age on the last day of July of the year in which the notification for recruitment is made. (2)

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 he 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, 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 dated: the 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.

(2) A M E N D M E N T

Age is amended from 28 to 30 years as per GO Ms. No. 445 Home (Courts-C) Department, dt. 16.9.1992.

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 (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, Prakasham and Nellore Districts. Zone-IV: Comprising Chittoor, Cuddapah, Anantapur and Kurnool Districts. Zone-V: Comprising Adilabad, Karimnagar, Warangal and Khammam Districts. Zone-VI: Comprising Hyderabad, Nizamabad, Mahaboobnagar, 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 panel suggested by the Director of Prosecutions.
- (2) Notwithstanding 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 a District Munsif for a period of not less than five years from a panel of names suggested by the High Court.

(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 on 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.

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

No. 60/A2/09
1348/A2/08

HOME (Cts.) DEPARTMENT – Director of Prosecutions, A.P., Hyderabad – Creation of (3) posts of Administrative Officers (Legal) in the scale of pay of Rs. 9285 – 21550, in the Office of the Directorate of Prosecutions, A.P., Hyderabad – Orders – Issued.

FINANCE (SMPC) DEPARTMENT

G.O.Ms.No. 6

Date: 05.01.2010.

Read the following:-

1. G.O.Ms.No. 3, Law (LA&J-Home-Courts.A2) Department, dt. 2.1.2004.
2. Govt. Memo. No. 4274/Courts.A2/2003, dated. 11.07.2007.
3. G.O.Ms.No. 167, Law (LA&J-Home-Courts.A2) Department, dt.30.10.2008.
4. From the Director of Prosecutions, A.P., Lr.No. 1348/B2/08, dt. 18.11.2008.
5. From the Director of Prosecutions, A.P., Lr.No. 1348/B2/08, dt. 02.06.2009.
6. Home (Cts.) Department, U.O.No. 38467/Cts.A/A2/2008, dt. 23.12.2009.

ORDER:

The Home (Cts.) Department have stated that the Director of Prosecutions, A.P., Hyderabad in the reference 4th read above has submitted a proposal stating that the Directorate of Prosecutions, A.P., Hyderabad was established in the 1986, consequent on the recommendations of the Law Commission of India, National Police Commission and One Man Police Commission, of A.P., to conduct the Prosecutions effectively and efficiently. Further, reiterated the need and justification for creation of three posts of Administrative Officer (Legal) in the Directorate in lieu of the posts abolished in the G.O.Ms.No. 167, Law (LA&J-Home Courts.A2) Department, dated 30.10.2008 in the time scale of pay Rs. 9285 – 21550 with the similar conditions as was imposed in the G.O.Ms.No. 3, Law (LA&J-Home-Courts.A2) Department, dt. 2.1.2004 for filling up the posts as there is an imminent necessity to create the posts of Administrative Officer (Legal) in the interest of administration of Prosecutions Department and to strengthen the Department and therefore requested the Government to consider the proposal and re-sanction three posts of Administrative Officer (Legal) in the O/o the Director of Prosecutions in the exigencies of services and in the interest of Prosecution Department and to fillup the posts by appointment by transfer from the posts of Superintendents with law degree of the O/o the Director of Prosecutions, A.P., Hyderabad with recurring Expenditure of Rs. 4,17,060/- per annum and non recurring expenditure Rs. 30,000/- towards purchase of furniture.

2. Government after careful examination hereby accord sanction for creation of (3) three posts of Administrative Officer (Legal) in the Directorate of Prosecutions in the scale of pay of Rs. 9285 – 21550.
3. Home (Courts) Department shall take further necessary action in the matter.
4. Copy of this order is available on Internet and can be accessed at address "http://www.ap.gov.in/goir".

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

T. SATYANARAYANA RAO
SECRETARY TO GOVERNMENT (R&E)

To:

The Home (Cts) Department.

~~The Director of Prosecutions, A.P., Hyderabad.~~

The A.G., (A&E)/Pr. A.G.(Audit-I)/A.G.(Audit-II), A.P., Hyderabad.

The General Administration (Cabinet) Department.

The Director of Treasuries & Accounts, A.P., Hyderabad.

The Pay and Accounts Officer, Hyderabad.

SF/SCs

// Forwarded :: By Order//

SECTION OFFICER

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**Government of Andhra Pradesh
Prosecutions Department**

From:
Sri M. Rajamouli Sharma, MA, LL.M.,
Director of Prosecutions,
Hyderabad.

To
The secretary to Government,
Law (LA&J, Home CtsA) Dept.,
A.P., Hyderabad.

Letter No.1348 /A2/ 2010, dated 10 -2-2010

Sir,

Sub: Public Services—Directorate of Prosecutions, Hyderabad—Sanctioned three posts of Administrative Officer (legal) —Framing of Service Rules—Draft Service rules—Sent—Approval-- Requested.

Ref: 1 . G.O.Rt. No. 6, Finance (SMPC) Dept., dated 5-1-10.
2. Govt. Memo No. 38467/ Law (L&J, Home Cts. A2)Dept., Dt. 20-1-10.
3. G.O.Ms. No. 188, Home (Cts.c) Department, dated 30-3-1992.

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I am to state that Government in the G.O. 1st cited have created three posts of Administrative Officers (legal) in the office of the Director of Prosecutions and in the Memo 2nd cited have given instructions as to the procedure for filling up of the posts.

The newly created Administrative Officers (legal) in the office of the Director of Prosecutions are 1st level Gazetted posts in the Directorate of Prosecutions and Rules as to the appointment to the posts have to be framed.

In this connection, I state that there are Rules for Prosecuting Officers in the State wide GO 3rd cited called as Special Rules for A.P. State Prosecution Service Rules, 1992. All the posts in the said rules are Gazetted. I think it is appropriate to frame service rules to the Administrative Officers (legal) posts in the office of the Director of Prosecutions under part – II of the said Rules.

I, therefore, send draft service rules for the posts of Administrative Officers (legal) in the office of the Director of Prosecutions, Hyderabad annexed hereto and I request the Government to approve the draft rules and notify as part – II to the A.P. State Prosecution service Rules, 1992 vide GO 3rd cited, at an early date.

Encl: As above and
Draft Service Rules.

Yours faithfully,

M. Rajamouli Sharma
Director of Prosecutions.

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Annexure

PART - II
(of the A. P. Prosecutions Service rules, 1992)

DIRECTORATE OF PROSECUTIONS

- 1) Name of the post : Administrative Officers (legal)
2) Category : 1st level Gazetted post
in the Directorate of Prosecutions.
3) Method of Appointment :

Category	Method of Appointment	Qualification	Appointing Authority
1	2	3	4
1 st level Gazetted	By appointment by transfer from the post of Superintendent of the Directorate of Prosecutions, Hyderabad	(a) Must have passed Degree in Law of any University in India recognized by Union grants commission, (b) Must have satisfactorily completed probation in the feeder category of Superintendent (c) Must have worked for a period of two years in the feeder category of Superintendent	Director of Prosecutions

Heavenly
Director of Prosecutions.

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