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കേരള സർക്കാർ
Government of Kerala
2018



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കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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GOVERNMENT OF KERALA

Home (C) Department

NOTIFICATION

G. O. (P) No. 6/2018/Home.

*Dated, Thiruvananthapuram, 22nd January, 2018
8th Makaram, 1193.*

S. R. O. No. 104/2018.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968) and in supersession of the Special Rules for the posts of Deputy Director of Prosecution and Senior Assistant Public Prosecutor, Assistant Public Prosecutor Grade I and Assistant Public Prosecutor Grade II, 1996 issued by notification under G. O. (P) No. 154/96/Home dated 16th September, 1996 and published as S. R. O. No. 673/1996 in the Kerala Gazette Extraordinary No. 1094 dated 16th September, 1996,

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33/716/2018/S-15.

the Government of Kerala hereby make the following Special Rules for the posts of Director of Prosecution (Administration), Deputy Director of Prosecution and Senior Assistant Public Prosecutor, Assistant Public Prosecutor (Senior Grade), Assistant Public Prosecutor Grade I and Assistant Public Prosecutor Grade II, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Special Rules for the post of Director of Prosecution (Administration), Deputy Director of Prosecution and Senior Assistant Public Prosecutor, Assistant Public Prosecutor (Senior Grade), Assistant Public Prosecutor Grade I and Assistant Public Prosecutor Grade II, 2018.

(2) They shall come into force at once.

2. *Constitution.*—The posts of Director of Prosecution (Administration), Deputy Director of Prosecution and Senior Assistant Public Prosecutor, Assistant Public Prosecutor (Senior Grade), Assistant Public Prosecutor Grade I and Assistant Public Prosecutor Grade II shall form a separate service, namely, the Kerala State Prosecution Service.

3. *Appointments.*—Appointment to the various categories shall be made as follows:—

<i>Category</i>	<i>Method of appointment</i>
(1)	(2)
1. Director of Prosecution (Administration)	By promotion from Deputy Director of Prosecution and Senior Assistant Public Prosecutor on the basis of seniority and suitability/merit.
2. Deputy Director of Prosecution and Senior Assistant Public Prosecutor	By promotion from Assistant Public Prosecutor (Senior Grade) on the basis of seniority and suitability/merit

(1)	(2)
3. Assistant Public Prosecutor (Senior Grade)	By promotion from Assistant Public Prosecutor Grade I on the basis of seniority and suitability/merit.
4. Assistant Public Prosecutor Grade I	By promotion from Assistant Public Prosecutor Grade II on the basis of seniority and suitability/merit.
5. Assistant Public Prosecutor Grade II	By direct recruitment through Kerala Public Service Commission

Note:—(i) The ratio of 1:1:1 shall be maintained among the Assistant Public Prosecutor (Senior Grade), Assistant Public Prosecutor Grade I and Assistant Public Prosecutor Grade II.

(ii) Appointment by promotion to Categories 1 to 4 shall be made from the select list of eligible candidates prepared on the basis of merit, eligibility and ability by a Committee (Departmental Promotion Committee) constituted for the purpose, seniority being considered only where merit and ability are approximately equal. Persons included in the select list shall be ranked in the order of their seniority.

4. *Appointing authority.*—The appointing authority in respect of all the categories shall be the Government.

5. *Reservation of appointments.*—The rules relating to reservation of appointments contained in rules 14 to 17 of Part II of the Kerala State and Subordinate Service Rules, 1958 shall apply to the appointments by direct recruitment.

6. *Unit for appointment, probation, seniority etc.*—For the purpose of appointment to Assistant Public Prosecutor Grade II and probation, seniority, discharge of probationers and approved probationers for want of vacancies, appointment as full member, reappointment and application of the rules of reservation as envisaged in the Kerala State and Subordinate Services Rules, the State shall be the unit.

7. *Qualification.*—For appointment to Category 5, a candidate shall possess the following qualifications, namely:—

- (i) a Degree in Law conferred or recognized by the Universities in Kerala; and
- (ii) must be a member of the Bar and must have had not less than three years of active practice in Criminal Courts on the first day of January of the year in which applications are invited.

8. *Age.*—No person shall be eligible for appointment by direct recruitment to category 5 if he has not completed 22 years of age or is above 36 years of age as on the first day of January of the year in which the application for appointment are invited. Usual relaxation in the upper age limit shall be allowed to candidates belonging to Scheduled Castes/Scheduled Tribes and Other Backward Classes.

9. *Probation.*—(1) Every person appointed to Categories 1 to 4 shall from the date on which he joins duty, be on probation for a total period of six months on duty within a continuous period of one year.

(2) Every person appointed to Category 5 shall, from the date on which he joins duty, be on probation for a total period of two years on duty within a continuous period of three years.

10. *Training.*—(1) A person appointed under Category 5 shall, from the date of his appointment, undergo training for a period of 180 working days. Scheme of training will be prescribed by the Government from time to time.

(2) Such person shall until he completes the training prescribed in sub-rule (1), be entitled to such stipend as may be specified by the Government from time to time. On their joining duty after successful completion of training and examination, the period of training including examination, the period of extension of training, if any, shall be treated as officiating service for the purpose of increment, pension and probation.

11. *Test.*—Every person appointed to Category 5 shall within the period of probation, pass the Account Test for Executive Officers of the Kerala State or the Account Test (Lower) of the Kerala State, if he has not already passed any of those tests.

12. *Agreement.*—A person appointed to Category 5 shall, before undergoing the course of training prescribed in rule 10, execute an agreement, in such Form as may be prescribed by the Government in this behalf, binding himself,—

- (i) to undergo the entire course of the said training;
- (ii) to serve the Government after the completion of the training as Assistant Public Prosecutor for a period to be specified by the Government; and
- (iii) to refund to the Government the stipend received by him during the period of his training, if he resigns his appointment before the completion of the said period on any account except on the ground of ill-health which shall be certified by a Medical Officer not below the rank of a Civil Surgeon.

13. *Temporary appointment.*—Notwithstanding anything contained in rules 3, 4 and 5, the District Collector may, in consultation with the District Police Chief and the Deputy Director of Prosecution of the district concerned, prepare a rank list of persons having the qualification prescribed in rule 7 based on merit and eligibility and he may appoint any one or more persons from the list to a vacancy in a post under category 5 caused by the grant of leave to, or by reason of death or resignation or transfer of, or by promotion or creation of the post of, an Assistant Public Prosecutor Grade II. The provisions of rules 9 to 12 shall not apply to the persons so appointed:

Provided that the appointment shall be made by the District Collector only in vacancies which are not likely to last for a period exceeding six months. In the cases of other vacancies, which are likely to last for a period exceeding six months, the order of the State Government shall be obtained:

Provided further that notwithstanding anything contained in rule 9, a person so appointed shall not be regarded as a probationary Assistant Public Prosecutor:

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Provided also that a person appointed under this rule shall not, while holding office as Assistant Public Prosecutor, appear for the prosecution in any case in which he was previously connected in any way in the defence, and after the termination of his temporary appointment, shall not appear for the defence in any case in which he was connected in any way with the investigation or prosecution while he was holding office as Assistant Public Prosecutor.

14. *Posting and transfers.*—The Government shall be competent to transfer the persons appointed to Categories 2 to 5.

By order of the Governor,

SUBRATA BISWAS,

Additional Chief Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The Government vide G. O. (P) 154/96/Home dated 16th September, 1996, have issued the Special Rules for the posts of Deputy Director of Prosecution and Senior Assistant Public Prosecutor, Assistant Public Prosecutor Grade I and Assistant Public Prosecutor Grade II. As per G. O. (Ms.) No. 36/2007/Home dated 26th February, 2007, the Government have created a post of Director of Prosecution (Administration) in the Directorate of Prosecution. In order to ensure the benefit of recommendation of the 9th Pay Revision Commission an executive order was issued as per G. O. (Ms.) No. 73/2013/Home dated 21st March, 2013 for inserting the Category of Assistant Public Prosecutor (Senior Grade) in the Special Rules in between the Categories of Assistant Public Prosecutor Grade I and Deputy Director of Prosecution. For including the above Categories in the Special Rules and for prescribing the qualifications and method of appointment etc., it has become necessary to revise the existing Special Rules. Therefore, the Government have decided to make the Special Rules for the post of Director of Prosecution (Administration), Deputy Director of Prosecution, Assistant Public Prosecutor (Senior Grade), Assistant Public Prosecutor Grade I and Assistant Public Prosecutor Grade II in supersession of the existing Rules.

The notification is intended to achieve the above object.
