

**GOVERNMENT OF JAMMU AND KASHMIR
HOME DEPARTMENT**

Notification
Jammu, the 05th August, 2020.

S.O 245 .— In exercise of the powers conferred by Article 309 of the Constitution of India, the Government hereby makes the following rules. namely:-

1. Short title, commencement and application.—(1) These rules may be called the Jammu and Kashmir Prosecution Service Recruitment Rules, 2020.

(2) The Government may, by notification in the Official Gazette, appoint different dates for giving effect to different provisions of these rules and any reference in any provision to the commencement of these rules shall be construed as a reference to the coming into force of that provision.

2. Definitions.—(I) In these rules, unless the context otherwise requires:-

- (a) “**Administrative Department**” means the Home Department of the Government in the Civil Secretariat holding the administrative charge of service;
- (b) “**Cadre**” means the cadre of the service;
- (c) “**Cadre Officer**” means a member of the Service;
- (d) “**Cadre Post**” means the posts borne on the Service;
- (e) “**Commission**” means the Jammu and Kashmir Public Service Commission;
- (f) “**Competitive Examination**” means such examination, including intermediate stages, as may be specified by the Government from time to time;
- (g) “**Government**” means the Government of Jammu and Kashmir;
- (h) “**Member of the Service**” means a person appointed to a post in the Service under the provisions of these rules or the rules/orders superseded by rule 16 of these rules;
- (i) “**Post**” means a permanent post in the pay level, duly sanctioned by the competent authority;
- (j) “**Rules**” means the Jammu and Kashmir Prosecution Service Recruitment Rules, 2020;

- (k) **“Schedule”** means a schedule annexed to these rules;
- (l) **“Service”** means the Jammu and Kashmir Prosecution Service;
- (2) Words and expressions used in these rules but not defined shall have the same meaning as assigned to them respectively in the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 and the Jammu and Kashmir Civil Services Regulations.
- 3. Constitution of Service.**— (1) From the date of commencement of these rules, there shall be constituted the “Jammu and Kashmir Prosecution Service”.
- (2) The service shall comprise of the persons indicated in Annexure to Government Order No. 1104-Home of 2019 dated 30.10.2019 and such other persons as may be appointed to the service from time to time in accordance with the provisions of these rules.
- (3) The Government may, for the purpose of initial constitution of the service, notify the details of the persons holding any post included in the cadre of the service in its sanctioned scale of pay, in substantive capacity to which he was appointed by the competent authority under rules, either by direct recruitment or by promotion and such persons shall be deemed to have been appointed to the service under these rules if he is fully qualified to hold the post under these rules.

Explanation: -The word ‘*holding*’ means a person holding a post included in the cadre of the Jammu and Kashmir Prosecution Service in its sanctioned scale of pay on regular basis under orders of the competent authority and will not include the persons holding a post on adhoc basis or in a stop-gap arrangement.

4. Strength and Composition of the Service.— (1) The authorized permanent strength of the cadre and the nature of the posts included therein shall be determined by the Government from time to time and shall, with effect from the date as may be notified by the Government, be such as that specified in the Schedule-I annexed to these rules:

Provided that the Government may create temporary posts in the cadre of the service for a specified period as may be considered necessary from time to time.

Provided further that the direct recruitment post of Prosecuting Officer, indicated at S. No. 8 of Schedule-I, held by a person appointed to the service prior to the initial constitution of the service, shall continue to be part of the service only till such time the post falls vacant as a result of promotion as Senior Prosecuting Officer or due to retirement, death,

resignation or otherwise and, immediately upon such vacation, the post shall be deemed to have been re-designated as Prosecuting Officer (G) and up-graded in the pay level 8. Consequent upon re-designation/up-gradation of all the posts of Prosecuting Officers from Level 6E to Level 8, the posts of Prosecuting Officer shall be deemed to have been substituted as Prosecuting Officer (G), in Schedule-I, annexed to these rules.

(2) At the initial constitution of the service under these rules, the authorized permanent strength of the service and the nature of the posts included therein shall be such as specified in Schedule-IA annexed to these rules, which shall be deemed to have been substituted by Schedule I from the date sub-rule (1) of this rule comes into force.

(3) The Government shall, at the interval of every five years or at such other intervals as may be necessary, re-examine the strength and composition of the cadre of the service and make such alterations therein as it deems fit:

Provided that nothing contained in this sub-rule shall affect the power of the Government to alter the strength and composition of the service at any other time, by making temporary additions or deletion or reduction to the cadre on need basis.

5. Qualification and Method of Recruitment.— (1) No person shall be eligible for appointment or promotion to any post in the cadre of the Service unless he possesses the qualifications as laid down in Schedule-IIA annexed to these rules and fulfills other requirements of recruitment as provided in the rules and orders for the time being in force.

(2) The Schedule-IIA shall be deemed to have been substituted by Schedule II annexed to these rules from such date as may be notified by the Government.

(3) All the posts to be filled by promotion shall be filled through the Departmental Promotion Committee/Commission. For the purpose of direct recruitment against the posts of Prosecuting Officer (G), the Government may refer during a calendar year as many vacancies of Prosecuting Officer (G) to the Commission as may be considered necessary.

(4) The selection against the direct recruitment posts of Prosecuting Officer (G) shall be made through a competitive examination by the Commission, in accordance with the rules and the procedure, as prescribed.

of 1/16

6. **Reservation in appointments.**—While making appointments either by direct recruitment or by promotion, reservation shall be made in accordance with the Jammu and Kashmir Reservation Act, 2004 and the rules and orders, as in force.

7. **Probation.**—(1) Every person appointed to the service under sub-rule (1) of Rule 5 of these rules shall be on probation for a period of two years and the confirmation in any particular class or category shall be made under the provisions of Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956.

(2) The pay of a person appointed to the service under these rules shall be regulated as per the provisions of the Jammu and Kashmir Civil Service Regulations or General Rules, as issued from time to time.

8. **Training and Examination.**— (1) A probationer referred to in sub-rule (1) of Rule 7 of these rules shall on appointment to the service undergo such training and for such period as the Government may prescribe from time to time.

(2) A probationer shall attend such lectures and undergo such tests and exercises as may be prescribed from time to time.

(3) Every probationer shall on the completion of training appear in a final examination to be conducted by Head of the Training Institute in accordance with such regulations as the Government may from time to time, make. These regulations shall, inter alia, indicate the scheme of distribution of marks between the competitive examination and the final examination and the aggregate marks shall be the basis to determine the seniority.

(4) Where a probationer is prevented, either through sickness or other cause over which he has no control from appearing in the final examination, mentioned in sub-rule (3), he may be allowed to appear in the examination which may be conducted by the Head of the Training Institute as early as possible, preferably within a period of six months from the last date of the final examination in which the probationer did not appear.

(5) Where a probationer fails to obtain the minimum number of marks prescribed for any subject, group of subjects or part of the departmental examination under the regulations framed as per sub-rule (3), he may be permitted to sit for re-examination in the subject or subjects in which he has failed:

Provided that the marks awarded to a probationer in the re-examination, referred to in sub-rule (5), shall not be taken into account for determining the seniority.

(6) All the members of the service shall undergo such trainings/courses from time to time, including at the time of promotions, as the Government may direct.

9. **Power to relax.**— Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class, category of persons or posts; provided that while exercising such powers, the Government may consult the Commission, and would keep in view that the discretion is exercised bonafide and is duly notified for information of general public.

10. **Seniority.**— (1) The Government shall prepare and notify a list of all the probationers upon their confirmation. The list shall be arranged in the order of merit determined in accordance with the aggregate marks obtained by each probationer as per the regulations mentioned in sub-rule (3) of Rule 8:

Provided that if two or more probationers have secured equal number of marks in the aggregate, their order of merit shall be as per the marks obtained in the competitive examination.

(2) The inter-se seniority of the probationers, who are appointed on the basis of same competitive examination, shall be determined in accordance with the list prepared under sub-rule (1) and probationers who are appointed on the basis of an earlier competitive examination shall be ranked above those appointed consequent to a later competitive examination.

(3) The inter-se seniority of the Prosecuting Officers appointed to the service prior to the initial constitution of the service shall be determined in accordance with the rules applicable on the date of their appointment to the service.

(4) The Administrative Department shall maintain an up-to-date and final seniority list of the members of the service.

11. **Posting of the cadre officers.**— (1) The posting of cadre officers shall be made against the cadre posts or such posts as are reckoned against the deputation reserve, shown in Schedule III annexed to these rules.

(2) Every cadre officer, unless he is appointed to an ex-cadre post or is otherwise not available for holding a duty post owing to the exigencies of service, be posted against a duty post.

Provided that no cadre officer shall be deputed to a post other than a post under the Government, carrying a prescribed pay which is less than, or a pay scale the maximum of which is less than the basic pay he would have drawn in the cadre post but for his deputation.

(3) A member of the service may be appointed to an ex-cadre post for such period and on such terms as the Government may specify.

(4) The Government may, for the purpose of facilitating leave arrangements, direct that any two cadre posts or a cadre post and an equivalent non-cadre post may be held simultaneously by a cadre officer.

12. Discipline and conduct.— In regard to all matters governing the service conditions of the members of the service and discipline, the provisions of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 and other rules and orders in force at the time shall apply.

13. Power to remove difficulties.— If any difficulty arises in giving effect to the provisions of these rules, the Government may issue such instructions, not inconsistent with the provisions of these rules, which appear to it to be necessary or expedient for the purpose of removing the difficulty and for purpose of giving effect to these rules.

14. Residuary matters.—In regard to matters not specifically covered by these Rules or by regulations or orders/instructions issued thereunder or by special order, the members of the service shall be governed by rules, regulations and orders applicable to the State Civil Service in general.

Provided that any power exercisable by the Government under such rules, regulations and orders may be delegated by them to such subordinate authorities subject to such conditions as they may prescribe.

15. Interpretation.—If any question arises relating to the interpretation of these rules, the decision of the Administrative Department thereon shall be final and binding.

16. Repeal and Savings (1).— All existing rules and orders relating to matters covered by these rules shall stand superseded from the date these rules come into force. The rules in force immediately before the commencement of these rules are hereby repealed from the date(s) the corresponding provisions of these rules are enforced.

9/1/18

(2) Notwithstanding such repeal, any appointment, order made or action taken under the provisions of the rules/orders so repealed/superseded shall be deemed to have been made or taken under the corresponding provisions of these rules.

By order of the Government of Jammu and Kashmir.

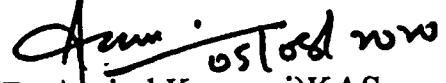
Sd/-
(Shaleen Kabra)IAS
Principal Secretary to the Government

No.Home/Misc/2019/Part-III

Dated. 05.08.2020

Copy to the:-

1. Ld. Advocate General, J&K.
2. Principal Secretary to the Hon'ble Lieutenant Governor, J&K.
3. Joint Secretary, MHA, GOI, New Delhi.
4. Director General of Police, J&K Srinagar.
5. Chairman, Jammu and Kashmir Public Service Commission.
6. Divisional Commissioner, Kashmir/Jammu/Ladakh.
7. Director Anti Corruption Bureau, J&K.
8. Secretary to the Government, General Administration Department.
9. Secretary to the Government, ARI & Trainings Department.
10. Secretary to the Government, Department of Law, Justice and Parliamentary Affairs.
11. Director General of Prosecution, J&K.
12. Director Information, J&K.
13. Director Archives, Archaeology and Museums.
14. Private Secretary to the Advisor(s) (S)/(F)/(B)/(BK) for information of the Hon'ble Advisors.
15. Private Secretary to the Chief Secretary for information of the Chief Secretary.
16. Private Secretary to the Principal Secretary to Government, Home Department.
17. General Manager, Government Press, Srinagar, for publication in the extra-ordinary issue of the Government Gazette.
18. I/C web site.


(Dr. Arvind Karwani)KAS
Additional Secretary to the Government

Schedule-I
(see sub-rule 2 of Rule 4)

S.No.	Name of the Post	Pay Level	No. of posts.
Executive			
1.	Director General of Prosecution	Level 14 (144200-218200)	01
2.	Director, Prosecution	Level 13A (131100-216600)	02
3.	Joint Director, Prosecution	Level 13 (123100-215900)	01
4.	Deputy Director, Prosecution	Level 12 (78800-209200)	16
5.	Chief Prosecuting Officer	Level 11 (67700-208700)	47
6.	Senior Prosecuting Officer	Level 9 (52700-166700)	82
7.	Prosecuting Officer (G)	Level 8 (47600-151100)	129
8.	Prosecuting Officer	Level 6E (35900-113500)	
(A)	Total number of cadre posts		269
(B)	Deputation reserve		174*
(C)	Leave reserve @ 10% (A) above		27
(D)	Training reserve @ 10% of S. No. 7/8 of the table above		12
(E)	Total (A to D)		482
Administrative/Accounts/Ministerial			
1.	Administrative Officer	Level 8 (47600-151100)	01
2.	Accounts Officer	Level 8 (47600-151100)	03
3.	Private Secretary	Level 8 (47600-151100)	01
4.	Senior Stenographer	Level 7 (44900-142400)	03
5.	Junior Stenographer	Level 6B (35600-112800)	20
6.	Reader (Assistant Sub Inspector)	Level 6 (35400-112400)	20
7.	I/c Malkhana (Head Constable)	Level 5(29200-92300)	104
8.	Naib Courty (Head Constable)	Level 5(29200-92300)	394
9.	Accounts Assistant	Level 5 (29200-92300)	11
10.	Junior Assistant	Level 4 (25500-81100)	48
11.	Class IV (Follower)	SL 1(14800-47100)	57
Total(I to 11)			662

*As per the details in Schedule III

9/16

SCHEDULE-II
(see sub-rule 2 of Rule 5)

Class	Category	Designation	Pay Level	Method of appointment.
1	2	3	4	5
I		Director General of Prosecution	Level 14 (144200-218200)	<p>i) by selection from class II from amongst the persons having not less than five (05) years of services in that class: or</p> <p>ii) by deputation of an officer holding a post, carrying an equivalent pay level from:</p> <p>a. IAS Cadre: or</p> <p>b. IPS Cadre: or</p> <p>c. J&K Legal (Gazetted) Service.</p>
II		Director Prosecution	Level 13A (131100-216600)	By promotion from Class III from amongst the persons having not less than two (02) years of services in that class.
III		Joint Director Prosecution	Level 13 (123100-215900)	By promotion from Class IV from amongst the persons having not less than two (02) years of services in that class.
IV		Dy. Director Prosecution	Level 12 (78800-209200)	By promotion from Class V from amongst the persons having not less than two (02) years of services in that class.
V		Chief Prosecuting Officer	Level 11 (67700-208700)	By promotion from Class VI from amongst the persons having not less than three (03) years of services in that class.
VI		Senior Prosecuting Officer	Level 9 (52700-166700)	By promotion from Class VII from amongst the persons having not less than five (05) years of services in that class.

9/5/18

VII	A	Prosecuting Officer (C)	Level 8 (47600-151100)	100% by direct recruitment from amongst the persons possessing the Bachelor of Laws of a University established by law in India.
	B	Prosecuting Officer	Level 6B (35900-113500)	100% by direct recruitment from amongst the persons possessing the Bachelor of Laws of a University established by law in India.
VIII	A	Administrative Officer	Level 8 (47600-151100)	By deputation from J&K Administrative Officers (Gazetted) Service
	B	Accounts Officer	Level 8 (47600-151100)	By deputation from J&K Accounts (Gazetted) Service
	C	Pvt. Secretary	Level 8 (47600-151100)	By deputation from J&K Secretariat (Gazetted) Service-II
IX		Senior Stenographer	Level 7 (44900-142400)	By deputation from J&K Secretariat (Subordinate) Service
X		Jr. Stenographer	Level 6B (35600-112800)	By deputation from J&K Secretariat (Subordinate) Service
XI		Reader(ASI)	Level 6 (35400-112400)	By deputation from J&K Police Subordinate Service.
XII	A	Accounts Assistant	Level 5 (29200-92300)	By deputation from J&K Accounts (Subordinate) Service
	B	I/c Malkhana (Head Constable)	Level 5 (29200-92300)	By deputation from J&K Police Subordinate Service.
	C	Naib Courty (Head Constable)	Level 5 (29200-92300)	By deputation from J&K Police Subordinate Service.
XIII		Jr. Assistant	Level 4 (25500-81100)	By deputation from J&K Secretariat (Subordinate) Service
XIV		Class IV (Follower)	SI. 1 (14800-47100)	By deputation from J&K Police Subordinate Service.

9/5/16

Schedule -III
(see sub-rule 1 of Rule 11)

Designation of the Post	Pay Level	No. of Posts
Police Department		
Joint Director	Level 13 (123100-215900)	3
Deputy Director	Level 12 (78800-209200)	2
Chief Prosecuting Officer	Level 11 (67700-208700)	17
Senior Prosecuting Officer	Level 9 (52700-166700)	56
Prosecuting Officer (G)	Level 8 (47600-151100)	} 29
Prosecuting Officer	Level 6E (35900-113500)	
Total		107
Anti Corruption Bureau/ State Vigilance Commission		
Director	Level 13A (131100-216600)	1
Joint Director	Level 13 (123100-215900)	2
Deputy Director	Level 12 (78800-209200)	3
Chief Prosecuting Officer	Level 11 (67700-208700)	19
Senior Prosecuting Officer	Level 9 (52700-166700)	22
Prosecuting Officer (G)	Level 8 (47600-151100)	} 20
Prosecuting Officer	Level 6E (35900-113500)	
Total		67*
Grand Total		174

*Includes the posts created vide Government Order No. 19-JK-GAD(Vig) of 2020 dated 12.03.2020

of 25/10

Schedule-IA
(see sub-rule 2 of Rule 4)

S. No.	Name of the Post	Pay Level	No. of posts.
1.	Director General of Prosecution	Level 14 (144200-218200)	01
2.	Director, Prosecution	Level 13A (131100-216600)	01
3.	Joint Director, Prosecution	Level 12 (78800-209200)	03
4.	Deputy Director, Prosecution	Level 11 (67700-208700)	11
5.	Chief Prosecuting Officer	Level 10A (56600-179800)	59
6.	Senior Prosecuting Officer	Level 8 (47600-151100)	87
7.	Prosecuting Officer	Level 6E (35900-113500)	105
(A)	Total number of cadre posts		266
(B)	Deputation reserve		50*
(C)	Total (A to C)		316

*detail of the posts shown in schedule III A

9/25/18

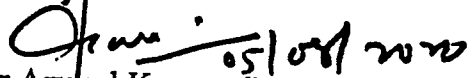
SCHEDULE-IIA
(see sub-rule 1 of Rule 5)

Class	Category	Designation	Grade	Method of appointment.
1	2	3	4	5
I	1	Director General of Prosecution	Level 14 (144200-218200)	By deputation of an officer of the rank of Inspector General, from the IPS Cadre.
II	1	Director Prosecution	Level 13A (131100-216600)	By promotion from Class III from amongst the persons having not less than two (02) years of services in that class.
III	1	Joint Director Prosecution	Level 12 (78800-209200)	By promotion from Class IV from amongst the persons having not less than two (02) years of services in that class.
IV	1	Dy. Director Prosecution	Level 11 (67700-208700)	By promotion from Class V from amongst the persons having not less than two (02) years of services in that class.
V	1	Chief Prosecuting Officer	Level 10A (56600-179800)	By promotion from Class VI from amongst the persons having not less than three (03) years of services in that class.
VI	1	Senior Prosecuting Officer	Level 8 (47600-151100)	By promotion from Class VII from amongst the persons having not less than five (05) years of services in that class.
VII	1	Prosecuting Officer	Level 6E (35900-113500)	100% by direct recruitment from amongst the persons possessing the Bachelor of Laws of a University established by law in India.

9/5/18

Schedule -IIIA

Designation of the Post	Pay Level	No. of Posts
Anti Corruption Bureau/ State Vigilance Commission		
Director	Level 13A (131100-216600)	01
Joint Director	Level 12 (78800-209200)	01
Deputy Director	Level 11 (67700-208700)	03
Chief Prosecuting Officer	Level 10A (56600-179800)	08
Senior Prosecuting Officer	Level 9 (52700-166700)	22
Prosecuting Officer	Level 6E (35900-113500)	15
Total		50


(Dr. Arvind Karwani)KAS
Additional Secretary to the Government