

**Government of Jammu and Kashmir**

**Home Department**

Civil Secretariat, Srinagar

**Subject: Augmentation of manpower availability in the Prosecution Department - policy thereof.**

**Government Order No.: 231–Home of 2021**

**Dated: 07.10.2021**

Considering the functional requirement of persons with law background to effectively supervise prosecution of criminal cases by the Prosecution Department as also to render advice on legal matters in various police offices, a need has been felt to augment the existing manpower in the Prosecution Department.

Accordingly, a Policy, forming Annexure to this Government Order, is hereby notified for augmentation of the manpower in the Prosecution Department by way of deputation of serving Government employees of the UT of J&K as well as contractual engagement of the retired Prosecutors or persons with Bachelor in Laws or utilization of services of the law firms.

This policy shall come into force with immediate effect and shall subsist till further orders.

**By Order of the Government of Jammu and Kashmir.**

  
(Rashid Raina) KAS

Under Secretary to the Government

Dated: 07.10.2021

No: Home-Pros/37/2021-01-Home

**Copy to the:**

1. Director General of Police, J&K.
2. Special Director General of Police, CID, J&K.
3. Director General of Prosecution, J&K.
4. Principal Secretary to the Hon'ble Lt. Governor.
5. Commissioner/Secretary to the Government, General Administration Department.
6. Secretary to the Government, Department of Law, Justice and Parliamentary Affairs.
7. Director Prosecution, Kashmir/Jammu.
8. Private Secretary to the Chief Secretary.
9. Private Secretary to the Principal Secretary to Government, Home Department.
10. I/c website, Home.
11. Government Order file/stock file.

**Copy also to the:**

1. All Administrative Secretaries to the Government.
2. Joint Secretary (JKL), MHA, GoI.

## **Annexure to Government Order No. 231 dated 07.10.2021**

### **I. Background:**

With the establishment of the Directorate of Prosecution, envisaged under section 25A of the Code of Criminal Procedure, 1973 (Cr.PC), all the officers working in the erstwhile prosecution wing of the police department became members of the newly created J&K Prosecution Service. Subsequently, the rules of the service have been framed, providing, among other things, the method of recruitment for the posts mentioned in the schedules annexed thereto, with substantial increase in the sanctioned strength to fulfil the requirements of Courts, supervision and advisory capacity. For effective prosecution of the cases in the criminal courts, prosecutors have been provided in the trial Courts, including the designated Anti Corruption Courts and the specially established Fast Track Courts, as also the supervisory structure and for rendering legal advice in the police offices. The process of selection against the sanctioned posts is also underway in the J&K Public Service Commission which, however, will take some time to conclude.

### **II. Objective:**

The policy is aimed at augmenting the manpower requirement in the Prosecution Department to effectively supervise prosecution of the criminal cases as also to ensure that proper advice/assistance is rendered in legal matters in the police offices, so that litigation - criminal as well as civil - is dealt with effectively.

### **III. Terms of Engagement and Methodology:**

#### **A. Deputation:**

- a) Officers serving in various departments of the UT of J&K having Bachelor in Laws, shall be taken on deputation on standard terms and conditions by invoking relevant provisions of the Jammu and Kashmir Civil Services Regulations, 1956.
- b) The Director General of Prosecution, based on assessment of the manpower requirement that may be undertaken periodically, will advertise and undertake selection process and submit proposal to the Home Department for further appropriate action. The Selection process would be determined by the Director General of Prosecution and would necessarily include interview, to be conducted by a four member Committee comprising Director General of Prosecution, one officer of the rank of Director (Prosecution) and a representative each from the Department of Law, Justice and Parliamentary Affairs and the Home Department.



## **B. Contractual engagement:**

- i. Retired prosecutors, of and above the rank of Senior Prosecuting Officer, shall be considered for re-employment in terms of Article 259 & 259-A. The contractual engagement of the retired prosecutors shall be for a period of one year, extendable as per need thereafter. The Director General of Prosecution will take necessary steps to prepare details of willing persons, undertake consultation with the Director General of Police, J&K, and forward the details to the Home Department for further appropriate action.
- ii. Lawyers, with a practice of at least two years, shall be considered for contractual engagement on a consolidated remuneration. Director General of Prosecution shall propose the terms and conditions of engagement to the Home Department.
- iii. Registered Law Firms with proven track record shall be considered for engagement on case to case basis, in consultation with the Director General of Prosecution, on mutually agreeable terms and conditions, subject to approval by the Home Department.

## **IV. Discipline and Conduct:**

In the matters of discipline, appeal and conduct, the persons engaged on deputation as well as on contractual basis, including the retired prosecutors, shall be governed by the rules as are applicable to the Government Employees of the UT of Jammu and Kashmir.

## **V. Review:**

The desirability for continuation of the policy shall be reviewed periodically by the Home Department in consultation with the Director General of Prosecution, J&K. While working out the exact number of Prosecuting officers as may be required by way of deputation/contractual engagement, the Home Department shall review the policy from time to time and monitor the progress of such temporary engagements vis-a-vis progress in the rate of conviction.

