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JAMMU AND KASHMIR OFFICIAL GAZETTE

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Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIATô HOME DEPARTMENT

Notification

Jammu, the 05th August, 2020.

SO-245.ôôIn exercise of the powers conferred by Article 309 of
the Constitution of India, the Government hereby makes the following
rules, namely :ô

1. **Short title, commencement and application.**ô (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.

- (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the Service" means a person appointed to a post in the service under the provisions of these rules or the rules/orders superseded by rule 16 of these rules ;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 ;

3. **Constitution of Service.**—(1) From the date of commencement of these rules, there shall be constituted the Jammu and Kashmir Prosecution Service.

(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.

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 further that the direct recruitment post of Prosecuting Officer, indicated at S. No. 8 of Schedule-I, held by a person appointed

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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.

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 Services 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 was necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of the 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 *bona fide* 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.

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

(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 :

(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,

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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 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.

(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.

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Schedule-I

(See sub-rule (2) of rule 4)

S. No.	Name of the Post	Pay Level	No. of posts
1	2	3	4

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)	120
8.	Prosecuting Officer	Level 6E (35900-113500)	

(A)	Total number of cadre posts	269
(B)	Deputation reserve	174
(C)	Leave reserve @ 10 % above	27
(D)	Training reserve @ 10 % of S. No. 7/8 of the table above	12
(E)	Total (1 to 11)	482

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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

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*As per the details in Schedule-III

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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)	(i) By selection from Class-II amongst the persons having not less than five (05) years of services in that class ; or
			(ii) By deputation of an officer holding a post carrying an equivalent pay level. from : 0 a. IAS Cadre ; or b. IPS Cadre ; or c. J&K Legal (Gazetted) Service.
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.

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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)	SL 1 (14800-47100)	By deputation from J&K Police Subordinate Service.

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Schedule III

(See sub-rule (1) of rule 11)

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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)	
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	Total	67*
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	Grand Total	174
		66666

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*Includes the posts created vide Government Order No. 19-JK-GAD(Vig) of 2020 dated 12-03-2020.

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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		6666 266 6666
(B)	Deputation reserve		50*
(C)	Total (A to C)		6666 316 6666

*Detail of the posts shown in Schedule IIIA

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SCHEDULE IIA			
(See sub-rule (2) of Rule 5)			
Class Category	Designation	Grade	Method of appointment
1	2	3	5
I	1	Director General of Prosecution	Level 14 (144200-218200)
II	1	Director, Prosecution	Level 13A (131100-216600)
III	1	Joint Director, Prosecution	Level 12 (78800-209200)
IV	1	Dy. Director, Prosecution	Level 11 (67700-208700)
V	1	Chief Prosecuting Officer	Level 10A (56600-179800)
			By promotion from Class-III from amongst the persons having not less than two (02) years of services in that class.
			By promotion from Class-IV from amongst the persons having not less than two (02) years of services in that class.
			By promotion from Class-V from amongst the persons having not less than two (02) years of services in that class.
			By promotion from Class-VI from amongst the persons having not less than three (03) years of services in that class.
			By deputation of an officer of the rank of Inspector General from the IPS Cadre.

1	2	3	4	5
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.

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Schedule IIIA

Designation of the Post	Pay Level	No. of Posts
Anti-Corruption Bureau/State Vigilance Commission		
Director	Level 13A (131100-216600)	1
Joint Director	Level 12 (78800-209200)	1
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

(Sd.) DR. ARVIND KARWANI, KAS,

Additional Secretary to the Government.