

***Superseded Vide Notification No. No. SO(Prosecution)/H.D/1-5/2005/Vol:II.
Dated 6th August, 2010 .***

**¹[Khyber Pakhtunkhwa]
Prosecution Service Rules, 2005**

GOVERNMENT OF ²[Khyber Pakhtunkhwa]
HOME AND TRIBAL AFFAIRS DEPARTMENT

NOTIFICATION

Dated Peshawar the September 24, 2005

No. SO (Prosecution) HD/1-5/2005.---In pursuance of the provision contained in Sub-rule (2) of the Rule 3 of the ³[Khyber Pakhtunkhwa] Civil Savants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all previous Notification in this behalf the Home and Tribal Affairs Department, in consultation with the Establishment, Administration and Finance Department, hereby lay down the method of recruitment, qualifications and promotion. Notification shall be applicable to the posts borne on the strength of Directorate of Prosecution.

⁴[Khyber Pakhtunkhwa] PROSECUTION SERVICE RULES

In exercise of powers conferred under Sub Rule 2 of Rule 3 of the ⁵[Khyber Pakhtunkhwa] Civil Servants (Appointment, Promotion and Transfer) Rule, 1989, the Home Department in consultation with Finance and Establishment Department is pleased to frame the Service Rules for the Prosecution Institution.

1. Short title, extent and commencement.

These rules may be called as the ⁶[Khyber Pakhtunkhwa] Prosecution Service Rules, 2005.

2. These shall extend to the whole of the ⁷[Khyber Pakhtunkhwa].

3. These shall come in to force as and when notified in the official gazette.

¹ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

² Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

³ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁴ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁵ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁶ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁷ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

- 4. Definitions:-**
- (a) ‘Director General Prosecution’ means the Chief Prosecutor of the Province responsible for the management of Prosecution and control over Prosecutors, appointed under sub section (3) of section 3 of his Act.
 - (b) ‘District Head of Prosecution’ means the District Public Prosecutor or, where no District Public Prosecutor is appointed in a District, the Public Prosecutor of the District concerned;
 - (c) ‘Public Prosecutor’ means a person appointed under Section 492 of Cr. P.C and includes District Public Prosecutor, Deputy Public Prosecutor and Assistant Public Prosecutor as well as Special Public Prosecutor; and
- 5.** The Prosecutor Service shall be headed by a Director General Prosecutor who shall be an Officer in BPS-19. He shall head the administration of Prosecution Service as an attached Department of Home & Tribal Affairs Department.
- 6.** The Director General Prosecution shall be assisted by the following officers.
- (i) Director (Legal) in BPS 18.
 - (ii) Director (Admn) in BPS 18.
 - (iii) Assistant Director Administration-cum-Finance in BPS 17.
- 7.** The Prosecution Service at the district level shall be headed by an officer in BPS 18 to be designated as District Public Prosecutor.
- 8.** The District Public Prosecutor shall also be responsible for the Administration of prosecution service in the district.
- 9.** The District Public Prosecutor shall be assisted by such number of Public Prosecutor in BPS-18, Deputy Public Prosecutor in BPS 17 and Assistant Public Prosecutors in BPS 16 as the Government may, from time to time, determine keeping in view the number of courts in the province, provided that Assistant Public Prosecutor shall prosecute cases only in the counts of Magistrates.
- 10. Entry into Service.**
- (a) Entry in to Prosecution Service shall be at the level of Assistant Public Prosecutor (BPS-16) through the ⁸[Khyber Pakhtunkhwa] Public Service Commission.

⁸ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

- (b) The probation period of appointees shall be two years. Probationers shall receive basic training for a period of six months, which shall include three months in the Provincial Services Academy/Federal Judicial Academy Islamabad and three months as attachment with various courts and District Public Prosecutors officers.

S. No	Nomenclature	Scale	Minimum Qualification	Method of appointment	Age limit
1.	Director General Prosecution	19	-	(i) By promotion from amongst the Public Prosecutors OR (ii)- By transfer from amongst the Officers of PCS/DMGs.	-
2.	Director Administration	18	-	(i) By transfer from amongst the Public Prosecutors. OR (ii) By transfer from amongst the officers of PCS/DMGs.	-
3.	Director Legal	18	-	By transfer from amongst the Public Prosecutors.	-
4.	Public Prosecutor	18	-	By promotion from amongst the Deputy Public Prosecutors.	-
5.	Deputy Public Prosecutor	17	Law Graduate at least 2 nd division from recognized University.	(i)-50% by promotion from amongst the Assistant Public Prosecutors. (ii)-50% by initial recruitment through Public Service Commission.	-
6.	Assistant Director Admn-cum-Finance	17	-	By transfer from amongst the Deputy Public Prosecutors.	-
7.	Assistant Public Prosecutor	16	Law Graduate at least 2 nd division from recognized University.	Initial recruitment through Public Service Commission .	23-32 years

11. Eligibility Requirements:

- (i) A person shall be eligible to be appointed as Assistant Public Prosecutor who possesses a Law Degree from a recognized university.
- (ii) The age limit for a person to be appointed as Assistant Public Prosecutor shall be from 23 to 32 years.

12. Promotion.

Subject to the availability of posts:

- (i)- Promotion to BPS 19 shall be on the basis of seniority-cum-fitness from amongst the officers in PBS-18, subject to completion of at least 12 years service in BPS 17 & 18.
- (ii)- Promotion to BPS 18 shall be on the basis of seniority-cum-fitness from amongst the officers in PBS-17, subject to completion of at least 05 years service in BPS 17.
- (iii)- Promotion to BPS 17 shall be on the basis of seniority-cum-fitness from amongst the officers in PBS-16, subject to completion of at least 05 years service in BPS 16 and qualifying of the departmental promotion exam.

13. Method of appointment and promotion of ministerial staff.

S.No	Nomenclature	Scale of post	Minimum qualification	Method of recruitment	Age Limit
1.	Librarian	16	B.A with Diploma in Library Science	By initial recruitment through PSC.	23-32 years
2.	Office Superintendent – cum-Accountant	16		By promotion on the basis of seniority-cum-fitness from amongst the Assistants with at least 10 years service as such.	-
3.	Statistical/Data Processing Supervisor	12	i. Bachelor's Degree (2 nd Class) with Physics. Statistics or Economics as one of	By initial recruitment through Public Service Commission.	21-30 years

			<p>the subjects from a recognized University; and</p> <p>ii. Three years experience in the field of data processing and supervisory experience and data control and punch verifier operation.</p>		
4.	Junior Scale Stenographer	12	<p>i. Intermediate or equivalent qualification from a recognized board; and</p> <p>ii. A speed of 60 words per minutes in short hand in English and 35 words per minutes in typewriting & knowledge of Computer in using of MS word & MS Excel.</p>	By initial recruitment through Public Service Commission.	18-30 years
5.	Assistant	11	Bachelor's degrees from a recognized University.	<p>a.75% by promotion on the basis of seniority-cum-fitness from amongst senior clerks with at least five years service.</p> <p>b.25% by initial recruitment through PSC.</p>	18-30 years
6.	Data/Key Punch Operator	10	<p>i. Secondary School certificate in 2nd Division from a recognized board and</p> <p>ii. Speed of 10000 key depressions by hours for</p>	By initial recruitment through Departmental Selection Committee.	18-30 years

			punching/data entry/verification.		
7.	Senior Clerk	7	By promotion	By promotion on the basis of seniority-cum-fitness from amongst the Junior Clerks with at least five years service.	-
8.	Junior Clerk	5	i. Matriculation or equivalent qualification from a recognized board and ii. A speed of 30 words per minutes in typing.	(a) 33% by promotion amongst on the basis of seniority-cum-fitness from amongst Naib Qasids or other equivalent posts in the Government service with two years service who having secondary school certificate. (b) 67% by initial recruitment.	18-25 years
9.	Naib Qasid	1	Middle standard	By initial recruitment through Departmental Selection Committee	18-40
10.	Driver	4	Middle standard having valid LTV driving license and three years experience.	By initial recruitment through Departmental Selection Committee	18-40 years
11.	Chowkidar	1	Literate	By initial recruitment through Departmental	18-40 years

				Selection Committee	
12.	Sweeper	1	Literate	By initial recruitment through Departmental Selection Committee	18-40 years

The number of the ministerial staff shall be determined by the Government from time to time and shall be governed by the laws and rules as are applicable to the ministerial staff of other provincial departments, provided that the appointing authority in a district shall be the District Public Prosecutor.

14. Disciplinary proceedings.

The Home Departmental shall be the administrative department of the Prosecution Service in terms of Government of ⁹[Khyber Pakhtunkhwa] Rules of Business 1985 ¹⁰[Khyber Pakhtunkhwa] Civil Servants Act 1973.

15. A person who fails to qualify the departmental promotional exam, to be conducted by Home & Tribal Affairs Department, for three consecutive times in the same grade shall be considered as incompetent/inefficient in terms of Removal from Service Ordinance, 2000.

16. PERFORMANCE EVALUATION REPORTS (PERs).

- i. The initiating authority in case of Performance Evaluation Report of the Director General Prosecution shall be the Secretary Home & Tribal Affairs Deptt: and the Chief Secretary of the province shall be the countersigning authority:
- ii. The initiating officer in case of Performance Evaluation Report of the District Public Prosecutor shall be the Director General Prosecution and the Secretary Home & Tribal Affairs Deptt: shall be the counter signing authority.
- iii. The initiating officer in case of Performance Evaluation Report of all the prosecutors in a district shall be the District Public Prosecutor and the Director General Prosecution shall be the Countersigning authority.

⁹ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

¹⁰ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

- iv. The initiating officer in case of Performance Evaluation Report of Ministerial Staff of the District shall be District Public Prosecutor and the Director Administration shall be countersigning authority.

GENERAL

Public Prosecutors in Grade-18 shall prosecute cases in the Courts of District & Sessions judge, Deputy Public Prosecutors in BPS 17 shall prosecute cases in the courts of Additional Session Judges and Assistant Public Prosecutors in BPS 16 shall prosecute cases in the courts of Judicial Magistrates including Section 30 Magistrates.

- 17.** The ¹¹[Khyber Pakhtunkhwa] Public Prosecutors and Government Pleaders (Appointment) Rules, 1978 are hereby repealed to the extent of Public Prosecutors.
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¹¹ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.