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PART-I

GOVERNMENT OF SINDH
CRIMINAL PROSECUTION SERVICE
DEPARTMENT, SGA & CD

NOTIFICATION

Karachi the 4th November, 2006

No. SO (P-I)/CPSD/1-7/2006: In exercise of the powers conferred by sub-section(1) of section 15 read with section 8 of the Sindh Criminal Prosecution Service (Constitution, Functions and Powers) Ordinance, 2006, the Government of Sindh are pleased to make the following rules: -

1. (1) These rules may be called the Sindh Prosecutors (Appointment and Conditions of Service) Rules, 2006. **Short title and commencement.**

(2) They shall come into force at once.

2. In these rules, unless the subject or context otherwise requires- **Definitions.**

(a) "Administrative Secretary" means the Secretary of the Sindh Criminal Prosecution Service Department.

(b) "Commission" means the Sindh Public Service Commission;

(c) "initial appointment" means the appointment made otherwise than by promotion or transfer;

(d) "Selection Committee" means the Selection Committee constituted under rule 5;

3. (1) The appointments of Additional Prosecutor General, Deputy Prosecutor General, District Public Prosecutor, Deputy District Public Prosecutor and Assistant District Public Prosecutor shall be made by Government - **Appointment and promotion of Prosecutors.**

(i) by initial appointment on regular basis on the recommendations of the Commission or on contract basis for a non-extendable period of three years on the recommendations of the Selection Committee;

(ii) by promotion or transfer,

in accordance with their respective recruitment rules.

(2) Government may, from time to time prescribed the quota for initial appointment and promotion.

Appointments on contract.

4. (1) Where appointments of the Prosecutor are to be made on contract basis, Government shall invite applications from the Lawyers who are domiciled in and are permanent residence of Sindh:

Provided that applications for the post of Assistant District Public Prosecutor shall be invited from the lawyers of the District in which the post is to be filled in.

(2) Administrative Secretary shall ascertain the views of the District Judge and the District Public prosecutor as to the suitability of the applicant for the post of Assistant District Public Prosecutor.

Constitution of Selection Committee.

5 (1) There shall be a Selection Committee to assess the suitability of the lawyers for appointment on contract basis.

(2) The Selection Committee shall comprise of the following:-

(a) Administrative Secretary	Chairman
(b) Prosecutor General, Sindh	Member
(c) Nominee of Law Department not below the rank of Additional Secretary	Member
(d) Nominee of the SGA&CD (Services) not below the rank of Additional Secretary.	Member
(e) Additional Advocate General to be nominated by the Advocate General Sindh	Member

Test and Interview

6. (1) On receipt of applications under rule-4, the Selection Committee shall arrange for holding of written test of eligible applicants.

(2) The Selection Committee shall interview the candidates who have qualified the written test and after considering the views, if any, called for under sub-rule-(2) of rule-4 shall formulate its recommendations and forward the same to Government.

Period and termination of appointment.

7. (1) A Prosecutor appointed on contract basis shall hold office for a non-extendable period of three years during the pleasure of Government.

(2) Save as otherwise provided in rule-8, the contract appointment shall not be terminated by either party except by one month's notice or one month's pay in lieu thereof.

(3) A deed of contract in the form prescribed by Government shall be executed by the parties.

Removal from office

8. (1) A Prosecutor appointed on contract basis shall be liable to be removed from his office at any time, if he is guiltily of any act or conduct which, in the opinion of Government, is incompatible with his duties as such Prosecutor:

Provided that no Prosecutor shall be removed unless he has been informed in writing of the grounds of the action proposed to be taken against him and has been given opportunity of showing cause against that action.

(2) The decision of Government shall be final..

Appointment by promotion / transfer

9. (1) Persons as possess the qualifications and meet the conditions laid down for the purpose of promotion to a post shall be considered by the Departmental Promotion Committee or Selection Board, as the case may be.

(2) No promotion on regulation basis shall be made to posts in basic pay scales 17 to 20 unless the officer concerned has completed such minimum length of service, attended such training and passed such departmental examination, as may be prescribed from time to time.

(3) Promotions to posts in basic pay scale 2 to 18 shall be made on the recommendations of the appropriate Departmental Promotion Committee and promotions to post in basic pay scales 19 and 20 shall be made on the recommendations of the Selection Board.

(4) Where the appointing authority considers it to be in the public interest to fill a post reserved under these rules for promotion and the most senior officer belonging to service who is otherwise eligible for promotion does not possess the specified length of service the authority may appoint him to that post on acting charge basis.

(5) In the case of a post in basic pay scales 17 to 20 reserved to be filled by initial appointment, where the appointing authority is satisfied that no suitable officer in which the post exist is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on the acting charge basis the most senior officer otherwise eligible for promotion in the service, in excess of the promotion quota.

(6) Acting charge appointment shall be made against the posts which are likely to fall vacant for a period of six months or more and against the vacancies occurring for less than six months, current charge appointment may be made according to the orders issued from time to time.

(7) Appointment on acting charge basis shall be made on the recommendations of the Departmental Promotion Committee or the Selection Board, as the case may be.

(8) Acting charge appointment shall not amount to appointment by promotion on regular basis for any purpose including seniority.

Minimum length of service for promotion

(9) Acting charge appointment shall not confer any vested right or regular promotion to the post held on acting charge basis.

10. (1) The minimum length of service for eligibility for promotion to various basic pay scales shall be as follows :

For Basic Pay Scale 18	5 years in BPS-17
For Basic Pay Scale 19	12 years in BPS-17 and above
For Basic Pay Scale 20	17 years in BPS-17 and above

Provided that where initial appointment takes place in BPS-18 or 19, the length of service for promotion to higher scales shall be as follows :

For Basic Pay Scale 19	7 years in BPS-18
For Basic Pay Scale 20	12 years in BPS-18 and above or 5 years in BPS-19 and above

May not appear, act or advise against Government

11. (1) No Prosecutor appointed on regular basis or on contract or any of his partners shall hold any brief against Government or give advice to private parties in the cases in which he is likely to be required to advise to Government or any government officer.

(2) If a partner of a Prosecutor had advised, appeared or acted in any case against Government, he shall stop doing so as soon as Government intimates to the Prosecutor that, in view of possible conflict of interest, his partner shall not so advise, appear or act.

(3) No District Public Prosecutor, Deputy District Public Prosecutor or Assistant District Public Prosecutor shall appear for an accused person in any case arising within his own district.

Not to disclose information.

12. Save as may be required for the purpose of any case in which a Prosecutor appears on behalf of Government, he shall not, without the permission of the Government, communicate directly or indirectly to any person any document or information which has come into possession in the course of his duties.

Duties of the Additional Prosecutor General and Prosecutors.

13. (1) The Prosecutor General or Additional Prosecutor General shall give advice to Government in such legal matters as may be referred to him.

(2) The other Prosecutors shall perform such duties as may from time to time be assigned to them by Government.

Pay and emoluments of Prosecutors

14 (1) The Prosecutor General shall be entitled to pay, emoluments and perks as admissible to a BS-20 Officer.

(2) The Additional Prosecutor General and District Public Prosecutor shall be entitled to pay, emoluments and perks as admissible to a BS-19 Officer.

(3) The Deputy Prosecutor General and Deputy District Public Prosecutor shall be entitled to pay, emoluments and perks as admissible to a BS-18 Officer.

(4) The Assistant District Public Prosecutor shall be entitled to pay, emoluments and perks as admissible to a BS-17 Officer.

(5) The Public Prosecutor shall be entitled to such pay, emoluments and perks as may be determined by Government on case to case basis.

(6) The Prosecutors in addition to their pay, emoluments and perks shall also be entitled to such special allowance at such rate as may be determined by Government.

Performance of duties of the Prosecutor General in his absence.

15. Where the Prosecutor General Sindh proceeds on leave or he is otherwise absent from his duties, the Government shall authorize any of the Additional Prosecutors General to perform the duties of the Prosecutor General.

MUHAMMAD ISHAQUE LASHARI
SECRETARY/PROSECUTOR GENERAL

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