

News

Guidelines set for appointment of government pleaders, public prosecutors: State to Kerala High Court



A circular was issued following a Public Interest Litigation petition raising concerns regarding opacity in the process for selection of Public Prosecutors in district courts.

The State government on Friday informed the Kerala High Court that it has framed administrative guidelines governing the appointment of law officers including public prosecutors to defend the State before district judiciary .

A circular to that effect has been issued in compliance with earlier Court orders, the state told a Bench of Chief Justice Nitin Jamdar and Justice Syam Kumar VM

The submission was made in response to a Public Interest Litigation petition (PIL) raising concerns regarding opacity in the process for selection of Public Prosecutors in district courts.

As per the statement made by the government, the Law Secretary issued the circular on December 3.

The circular lays down internal administrative rules for preparing panels for appointment of District Government Pleaders and Public Prosecutors, as well as Additional Government Pleaders and Additional Public Prosecutors.

As per the circular, the District Collector has to prepare an initial list of advocates from the rolls of the Bar Council of Kerala, given they have a minimum of 7 years of practice at the Bar. The Collector must assess the candidates' qualifications, experience, ethics, etc. before including them in the list.

The list so produced must then be forwarded to the concerned District and Sessions Judge for consultation, as per Section 18 of the BNSS.

The Sessions Judge is tasked with evaluating the merit, competence and capacity of the advocates shortlisted and suggesting an acceptable number of candidates for appointment as Government Law Officers.

Importantly, the guidelines clarify that there is no requirement to advertise vacancies or welcome applications while preparing this list.

Following this consultation, the District Collector is needed to prepare a final panel strictly from among the names recommended by the District and Sessions Judge.

The circular emphasises that collector should give due regard to the opinion of the judge, and clearly bars the collector from including the name of any advocate not recommended or specifically disapproved by the judge on any grounds.

The guidelines also require verification of the character and antecedents of all shortlisted candidates through the Superintendent of Police.

In addition, the circular provides that if qualified members from Scheduled Caste or Scheduled Tribe groups are available, then the panel should include at least one such candidate.

The government about the expiry of the term of current Government Law Officers at least six months in advance, it further provides.

The Court will take up the PIL next on December 11.

Advocates SK Adhithyan, Shahina Noushad, Krishna S Karunakaran, and Anu Chandrakumar presented for the petitioner.

Senior government pleader V Tekchand represented the state