

No. A-31/1/2021-Ad.III-MCA/E-187062

Government of India
Ministry of Corporate Affairs

5th Floor, Shastri Bhawan,
New Delhi, dated 07.02.2025

OFFICE MEMORANDUM

Subject: Inviting comments of all stakeholders on draft amended Recruitment Rules for the post of Prosecutor and Senior Prosecutor in the Serious Fraud Investigation Office (SFIO) under Ministry of Corporate Affairs-reg.

The undersigned is directed to refer to the Department of Personnel and Training's OM No. AB-14017/61/2008-Estt.(RR) dated 13.10.2015 regarding inviting comments of all stakeholders on the draft Recruitment Rules framed/ amended by the respective Ministry/ Department for the post of Prosecutor and Senior Prosecutor in Serious Fraud Investigation Office (SFIO).

2. Accordingly, the draft amended Recruitment Rules to the post of Prosecutor and Senior Prosecutor in the Serious Fraud Investigation Office (SFIO) under the Ministry of Corporate Affairs are available on the the websites of Ministry of Corporate Affairs and Serious Fraud Investigation Office (SFIO) for information of stakeholders. All stakeholders are requested to go through the draft Recruitment Rules and furnish their comments/inputs preferably in a tabular form (in a word file), if any, to the undersigned within a period of one month i.e., date of its uploading in the website for facilitating the Ministry for taking further action in the matter.

J. Kewar
7.2.2025

(Manoj Kumar)

Under Secretary to the Government of India

Tel: Phone: 011-23387939

Email: admin3-mca@gov.in

Enc: As above.

To

All concerned Stakeholders

Copy to:

1. Director, SFIO, CGO Complex, New Delhi- a copy of draft Notification of RRs on the aforementioned posts is enclosed with a request to upload the same on the website of SFIO.
2. E-Gov. cell, Ministry of Corporate Affairs for uploading the same on the website of MCA under 'News and Important Updates' and 'Employees Corner-à Recruitment Rules'.

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY,
PART-II, SECTION 3, SUB-SECTION (1)]

Government of India
Ministry of Corporate Affairs

NOTIFICATION

New Delhi, the-----2024

G.S.R.----(E).- In exercise of the powers conferred by the proviso sub section (5) of section 211 of the Company Act (18 of 2013) and in supersession of the Ministry of Corporate Affairs, Serious Fraud Investigation Office, Prosecutor and Senior Prosecutor Recruitment Rules, 2016 and its Amendment Rules, 2018, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules regulating the method of recruitment to the post of Prosecutor and Senior Prosecutor in the Ministry of Corporate Affairs, Serious Fraud Investigation Office, namely-

1. Short title and commencement-

(1) These rules may be called the Ministry of Corporate Affairs, Serious Fraud Investigation Office, Prosecutor and Senior Prosecutor, Recruitment Rules, 2024.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Application- These rules shall apply to the posts specified in the Column (1) of the Schedule-I & Schedule-II annexed to these rules.

3. Number of posts, classification and level in the pay matrix or pay scale- The number of posts, their classification and the level in the pay matrix or pay scale attached thereto shall be as specified in columns (2) to (4) of the Schedules annexed to these rules.

4. Method of recruitment, age limit and other qualifications- The method of recruitment to the said posts, age limit, qualifications and other matters relating thereto shall be as specified in columns (5) to (13) of the said Schedules.

5. Disqualification- No person, -

(a) who has entered into or contracted a marriage with a person having a spouse living; or

(b) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the said posts:

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

6. **Power to relax-** Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order and for reasons to be recorded in writing and in consultation with Union Public Commission relax any of the provisions of these rules with respect to any class or categories of persons.
7. **Saving-** Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Ex-servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

SCHEDULE-I

Name of Post	Number of Post	Classification	Level in the Pay matrix	Whether Selection post or non-selection post
(1)	(2)	(3)	(4)	(5)
Prosecutor	13* (2024) Subject to variation dependent on workload	General Central Service Group 'B' Gazetted, Non-Ministerial	Level-8 (Rs. 47,600 - 1,51,100)	Not applicable

Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/absorption and the percentage of the vacancies to be filled by various methods
(6)	(7)	(8)	(9)	(10)
Not exceeding 30 years (Relaxable for Government)	Essential (I) Graduate in any discipline plus Bachelor's degree in Law from a recognized university or institute.	Not applicable	Two years subject to successful completion of mandatory	By direct recruitment failing which by deputation (Including short-term contract)

<p>Servants up to 5 years in accordance with the instructions or orders issued by the Central Government. Note: The crucial date for determining the Age limit shall be the date as advertised for direct recruits.</p>	<p>(II) Integrated graduation in Law (5) years duration from a recognized university or institute.</p> <p>Desirable</p> <p>(I) 01-year experience in corporate/ criminal/ civil Law matters, etc.</p> <p>(II) Masters in Law (LL.M) from a recognized university or institute.</p> <p>Note 1: Qualifications are relaxable at the discretion of the Union Public Service Commission for reasons to be recorded in writing in the case of candidates otherwise well qualified.</p> <p>Note 2: The qualification(s) regarding experience is/are relaxable at the discretion of the Union Public Service Commission for reasons to be recorded in writing in the case of candidates belonging to scheduled castes or scheduled tribes if at any stage of selection the Union Public Service Commission is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.</p>		<p>induction training of two weeks duration, as prescribed and sponsored by SFIO.</p>	
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In case of recruitment by promotion/deputation/absorption, grades from which promotion/deputation/absorption to be made	
(11)	
Deputation (Including Short-term Contract): Officers from the Central Government or State Governments or Union territories or Public Sector Undertakings or autonomous or statutory bodies: - (A) (I) holding analogous post on regular basis in the parent cadre or department; or (II) with two years' service in the grade rendered after appointment thereto on a regular basis in Level-7 in the pay matrix (Rs. 44,900-1,42,400) or equivalent in the parent cadre or department; or (III) with six years' service in the grade rendered after appointment thereto on a regular basis in post in Level-6 in the Pay Matrix (Rs. 35,400-1,12,400) or equivalent in the parent cadre or department; and (B) Possessing the educational qualification and experience as prescribed for Direct Recruits in Col. 7. Note: Period of deputation (including short-term contract) including period of deputation (including short-term contract) in another ex-cadre post held immediately preceding this appointment in the same or some other organization or department of the Central Government shall ordinarily not to exceed three years. The maximum age limit for appointment by deputation (including short-term contract) shall be not exceeding fifty-six years as on the closing date of the receipt of application.	
If a Departmental Promotion Committee exists, what is its composition?	Circumstances in which Union Public Service Commission to be consulted in making recruitment
(12)	(13)
Group 'B' Departmental Confirmation Committee for considering confirmation: (1) Director, Serious Fraud Investigation Office - Chairman (2) Additional Director, Serious Fraud Investigation Office - Member (3) Director/ Deputy Secretary, Ministry of Corporate Affairs - Member	Consultation with Union Public Service Commission necessary for making direct recruitment.

SCHEDULE-II

Name of Post	Number of Post	Classification	Level in the Pay matrix	Whether Selection post or non-selection post
(1)	(2)	(3)	(4)	(5)

Senior Prosecutor	09* (2024) Subject to variation dependent on workload	General Central Service Group 'A' Gazetted, Non-Ministerial	Level-10 (Rs. 56,100-1,77,500)	Selection
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Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/absorption and the percentage of the vacancies to be filled by various methods
(6)	(7)	(8)	(9)	(10)
Not applicable	Not applicable	Not applicable	Two years of probation	(67%) by promotion failing which by deputation (Including short-term contract) (33%) by deputation including short term contract/ Absorption

In case of recruitment by promotion/deputation/absorption, grades from which promotion/deputation/absorption to be made

(11)

Promotion:

The departmental Prosecutor in Level-8 in pay matrix (Rs. 47,600-1,51,100) with four years of regular service in the grade.

Protection Clause:

The eligibility service shall remain to be two years for the Departmental candidates holding the post of Prosecutor in Level-8 in the Pay Matrix (Rs. 47,600-1,51,100) on regular basis on the date of Notification of these rules.

Note : Where juniors who have completed their qualifying or eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualifying or eligibility service by more than half of such qualifying or eligibility service or two years, whichever is less and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying or eligibility service.

Deputation (Including Short-term Contract)/ Absorption:

Officers of the Central Government or State Governments or Union territories or Public Sector Undertakings or Autonomous or Statutory bodies: -

- (A) (I) holding analogous post on regular basis in the parent cadre or department; or
- (II) with four years' service in the grade rendered after appointment thereto on a regular basis in post in Level-8 in the pay matrix (Rs. 47,600-1,51,100) or equivalent in the parent cadre or department; or
- (III) with five years' service in the grade rendered after appointment thereto on a regular basis in post in Level-7 in the Pay Matrix (Rs. 44,900-1,42,400) or equivalent in the parent cadre or department; and

(B) Possessing the following educational qualifications and experience:

Essential:-

- (I) Graduate in any discipline plus Bachelor's degree in Law from a recognized university or institute; or
- (II) Integrated graduate in Law (5 years duration) from a recognized university or institute.

Desirable.

- (I) Two-year experience in corporate/ criminal/ civil Law matters, etc.
- (II) Masters in Law (LLM) from a recognized university or institute.

Absorption;

Officers from the Central Government or State Governments, working outside the cadre shall be eligible for absorption on completion of minimum five years of service on deputation terms.

Note: 1 The Period of deputation (including short-term contract) including period of deputation (including short-term contract) in another ex-cadre post held immediately preceding this appointment in the same or some other organization or department of the Central Government shall ordinarily not to exceed three years extendable up to five years. The maximum age limit for appointment by deputation (including short-term contract) shall be not exceeding fifty-six years as on the closing date of receipt of application.

Note 2: The Departmental Officers in the feeder category who are in direct line of promotion will not be eligible for consideration for appointment on deputation and similarly, deputationists shall not be eligible for appointment by promotion.

If a Departmental Promotion Committee exists, what is its composition?

Circumstances in which Union Public Service Commission to be consulted in making recruitment

(12)

(13)

Group 'A' Departmental Promotion Committee (for considering promotion):

- (1) Chairman or Member UPSC - Chairman
- (2) Director Serious Fraud Investigation Office - Member
- (3) Director/ Deputy Secretary, Ministry of Corporate Affairs - Member

Consultation with Union Public Service Commission is necessary for promotion and appointment by absorption.