

Government of Odisha
Home Department

No. HOME-PROS-RULE-0002-2016/ 11116 / Dated, the 22.03.2016

From

Sri Lalit Das, I.P.S.,
Special Secretary to Government

To

The Secretaries of all Departments of Government.

**Sub: Proposal for improvement in the prosecution system in the State –
Issue of guidelines.**

Sir,

I am directed to say that Government, after careful consideration, have decided to lay down the following guidelines for better management of the prosecution system in the State so that improvement can be brought in the system.

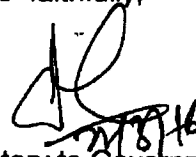
1. The instructions contained in the Law Department circular vide letter No.ILR3/83-6345(26) dated 19.4.1983, should be followed in letter and spirit so far as it relates to the empanelment of Non-Cadre Prosecutors and allotment of Courts to them. In view of the said circular, the recommendation of the District Magistrate should be invariably routed through the Director, Public Prosecutions and his views should be given due weight-age by the Government in Law Department.
2. In terms of the aforesaid Circular, in the matter of allotments, re-allotments and transfer of prosecutors, recommendation of the Director of Public Prosecution should ordinarily be acted upon by the Government.
3. Since the Director of Public Prosecution, who is an officer of Superior Judicial Service, has the occasion of visiting different Courts in view of the circular of the Hon'ble High Court of Orissa, reviewing the performance of the Prosecutors in view of legal provisions and different circulars of the Government and recommends to the Advocate general for filing of appeal, revisions etc. against the judgments/orders of the Trial Courts, before the Hon'ble High Court, the suggestion if any, given by him for taking disciplinary action against any Prosecutor(Law Officer) on the ground of their negligence, incompetence or misconduct should ordinarily be acted upon.

P.T.O.

4. In order to enhance the responsibility and accountability of the Prosecutors and also to avoid the possible intra-conflicts among them, care should be taken to appoint not more than one Prosecutor for one Court subject to the need of appointment of Special Prosecutors, for the cases, under any Special enactments.
5. Requirement of monthly statement before the Director of Public Prosecutions and routing proposals for appeals or revisions through Superintendent of Police so as to reach within the time limit as per Para 7 & 8 of the instruction of the Law department in its Letter No.ILR3/83-6345(26), dated 19.04.1983, by the concerned Prosecutors shall be viewed as serious misconduct, entailing disengagement in case of successive default, on the strength of the report of the Director of Public Prosecutions, which shall be accordingly acted upon.
6. The Director of Public Prosecutor should take appropriate action at his level basing upon the report of District level Standing Committee constituted pursuant to the judgment of Hon'ble Supreme Court in Criminal Appeal No.1485 of 2008 State of Gujurat Vrs. Kishanbahi, and any suggestion from his side regarding disciplinary action against the erring, incompetent and negligent prosecutors, should be promptly acted upon.

This has been approved by the Hon'ble Chief Minister vide his Office UOR No.187/CM, dtd.03.02.2016 and has been communicated to the Principal Secretary to Government, Law Department vide my Office UOI No.864, dtd.24.02.2016.

Yours faithfully,



Special Secretary to Government

Memo No. 1117 /H., Dated, the 22.03.2016

Copy forwarded to the Director, Public Prosecutions, Odisha, Bhubaneswar / All Heads of Departments / All District Magistrates / All Superintendents of Police / D.C.P., Bhubaneswar / D.C.P., Cuttack for information & necessary action.



Special Secretary to Government