

Ready Reckoner: Directorate of Prosecution

- The Bharatiya Nagarik Suraksha Sanhita, 2023 provides for the Directorate of Prosecution under section 20. The concept of a Directorate of Prosecution has been introduced for each of the states to establish (with a prescribed hierarchy), with the stated purpose of monitoring cases by scrutinizing police reports, expediting proceedings, and providing opinions on the filing of appeals, wherever applicable.
- The Directorate of Prosecution (DOP) at the State and District level with the Director of Prosecution assisted by Dy. Directors and Assistant Directors shall oversee and coordinate the prosecution of criminal cases. The DOP would have several functions, including:
 - ✓ Coordinating and monitoring the prosecution of criminal cases.
 - ✓ Presenting evidence in court
 - ✓ Providing legal advice and assistance to investigating agencies and prosecutors.
 - ✓ Ensuring compliance with legal and procedural requirements in the investigation and prosecution of crimes.
 - ✓ Identifying and addressing gaps in the investigation and prosecution of crimes.
 - ✓ Developing and implementing effective prosecution strategies.
- The eligibility criteria in section 20 (2) ensure that persons with the requisite qualifications and experience are appointed as Director, Dy. Directors and Assistant Directors. Further, unlike in section 25A of CrPC, section 20 of BNSS provides clear roles for the Director of Prosecution, Deputy Director of Prosecution and Assistant Director of Prosecution and does not leave it entirely to the discretion of the State Government to specify their roles and responsibilities.

Provisions in BNSS & CrPC Concerning Directorate of Prosecution

BNSS	CrPC
<p>20. (1) The State Government may establish,—</p> <p>(a) a Directorate of Prosecution in the State consisting of a Director of Prosecution and as many Deputy Directors of Prosecution as it thinks fit; and</p> <p>(b) a District Directorate of Prosecution in every district consisting of as many Deputy Directors and Assistant Directors of Prosecution, as it thinks fit.</p> <p>(2) A person shall be eligible to be appointed,—</p> <p>(a) as a Director of Prosecution or a Deputy Director of Prosecution, if he has been in practice as an advocate for not less than fifteen years or is or has been a Sessions Judge;</p> <p>(b) as an Assistant Director of Prosecution, if he has been in practice as an advocate for not less than seven years or has been a Magistrate of the first class.</p> <p>(3) The Directorate of Prosecution shall be headed by the Director of Prosecution, who shall function under the administrative control of the Home Department in the State.</p> <p>(4) Every Deputy Director of Prosecution or Assistant Director of Prosecution shall be subordinate to the Director of Prosecution; and every Assistant Director of Prosecution shall be subordinate to the Deputy Director of Prosecution.</p> <p>(5) Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor</p>	<p>25A. Directorate of Prosecution-</p> <p>(1) The State Government may establish a Directorate of Prosecution consisting of a Director of Prosecution and as many Deputy Directors of Prosecution as it thinks fit.</p> <p>(2) A person shall be eligible to be appointed as a Director of Prosecution or a Deputy Director of Prosecution, only if he has been in practice as an advocate for not less than ten years and such appointment shall be made with the concurrence of the Chief Justice of the High Court.</p> <p>(3) The Head of the Directorate of Prosecution shall be the Director of Prosecution, who shall function under the administrative control of the Head of the Home Department in the State.</p> <p>(4) Every Deputy Director of Prosecution shall be subordinate to the Director of Prosecution.</p> <p>(5) Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor appointed by the State Government under sub-section (1), or as the case may be, sub-section (8), of section 24 to conduct cases in the High Court shall be subordinate to the Director of Prosecution.</p> <p>(6) Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor</p>

appointed by the State Government under sub-section (1) or sub-section (8) of section 18 to conduct cases in the High Court shall be subordinate to the Director of Prosecution.

(6) Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor appointed by the State Government under sub-section (3) or sub-section (8) of section 18 to conduct cases in District Courts and every Assistant Public Prosecutor appointed under sub-section (1) of section 19 shall be subordinate to the Deputy Director of Prosecution or the Assistant Director of Prosecution.

(7) The powers and functions of the Director of Prosecution shall be to monitor cases in which offences are punishable for ten years or more, or with life imprisonment, or with death; to expedite the proceedings and to give opinion on filing of appeals.

(8) The powers and functions of the Deputy Director of Prosecution shall be to examine and scrutinise police report and monitor the cases in which offences are punishable for seven years or more, but less than ten years, for ensuring their expeditious disposal.

(9) The functions of the Assistant Director of Prosecution shall be to monitor cases in which offences are punishable for less than seven years.

(10) Notwithstanding anything contained in sub-sections (7), (8) and (9), the Director, Deputy Director or Assistant Director of Prosecution shall have the power to deal with and be responsible for all proceedings under this Sanhita.

appointed by the State Government under sub-section (3), or as the case may be, sub-section (8), of section 24 to conduct cases in District Courts and every Assistant Public Prosecutor appointed under sub-section (1) of section 25 shall be subordinate to the Deputy Director of Prosecution.

(7) The powers and functions of the Director of Prosecution and the Deputy Directors of Prosecution and the areas for which each of the Deputy Directors of Prosecution have been appointed shall be such as the State Government may, by notification, specify.

(8) The provisions of this section shall not apply to the Advocate General for the State while performing the functions of a Public Prosecutor.

(11) The other powers and functions of the Director of Prosecution, Deputy Directors of Prosecution and Assistant Directors of Prosecution and the areas for which each of the Deputy Directors of Prosecution or Assistant Directors of Prosecution have been appointed shall be such as the State Government may, by notification, specify.

(12) The provisions of this section shall not apply to the Advocate General for the State while performing the functions of a Public Prosecutor.
