

PROSECUTION DEPARTMENT

Organization, functions and duties of the Department.

Consequent upon the separation of the Prosecution Agency from the Police Department with the enforcement of the Code of Criminal Procedure, 1973, the Directorate controls the cadres of District Attorneys, Deputy District Attorneys and Assistant District Attorneys posted at the District Headquarters, Sub Divisions and also posted in various departments who conduct Civil & Criminal cases in the courts and tender legal advice to various Govt. Departments, Boards & Corporations. The service conditions of the District Attorneys, Deputy District Attorneys, Asstt. District Attorneys and clerical staff posted in the Prosecution Department are regulated in accordance with the following rules:-

- 1) Haryana State Prosecution Legal Service (Group-A) Rules, 1979.
- 2) Haryana State Prosecution Legal Service (Group-B) Rules, 2001.
- 3) Haryana Prosecution Department Ministerial (Group-B) Rules, 1997.
- 4) Haryana State Prosecution (Group C) (Clerical field) Rules, 1979.
- 5) Haryana State Prosecution (Group C) (Clerical Headquarter) Rules, 1980.
- 6) Haryana State Prosecution (Group-D) Rules, 1996.

The Haryana State Prosecution Legal Service (Group-A) Rules, 1979 were framed during the year 1979 and in these rules, the posts of Director, Additional Directors are not included. Moreover, the Director of Prosecution was not empowered to punish the District Attorneys even under rule 8 of the Haryana Civil Service (Punishment & Appeal) Rules, 1987. The department has proposed to amend the existing Group- A rules 1979 and it has also been proposed to include the post of Director and Additional Directors in the new rules and also to delegate the power of punishment to the District Attorneys under rule 8 of the Haryana Civil Service (Punishment & Appeal) Rules, 1987 to the Director of Prosecution.

(ii) HEAD OF THE PROSECUTION DEPARTMENT.

The Prosecution Department is functioning under the administrative control of Sh. Samir Mathur, Financial Commissioner & Principal Secy. to Govt. Haryana, Administration of Justice Department/Home Deptt. Sh. H.R. Janni is functioning as Director of Prosecution since 1.06.2006. The present sanctioned of the officers and officials is as under: -

Sr. No	Nomenclature	Sanctioned Posts
1	Additional Directors	2
2	District Attorneys	54

3	Dy. District Attorneys	166
4.	Administrative Officer	1
5.	Senior Accounts Officer	1
6.	Superintendent	1
7	Asstt. District Attorneys	371
8.	Section Officer	1
9.	Deputy Superintendent	1
10.	Personal Assistant	1
11.	Senior Scale Stenographer	1
12.	Assistants	9
13.	Librarian	2
14.	Steno-typists	2
15.	Restorer`	1
16.	Drivers	2
17.	Head Clerk-cum-Accountant	22
18,	Stenographer-cum-Librarian	22
19.	Clerks	109
20.	Peons	120
21.	Sweeper-cum-Chowkidar	1

(iii) CIVIL & CRIMINAL LITIGATION.

Consequent upon the separation of Prosecution Agency from Police Department , It was decided by the Govt. vide his letter No. 111-4 JJ-75/2274 dated 24.1.1975 that the Director of Prosecution will be the Head of the Department both for Civil and Criminal Litigation. It was also decided by the Govt. that all the District Attorneys, Deputy District Attorneys, Asstt. District Attorneys and Legal Assistants etc. will remain under the control of Director of Prosecution.

The Director of Prosecution is also the Head of the Directorate of Prosecution, who is functioning under the administrative control of the Head of the Home Department of the State under the provisions contained in section 25 A(3) of Cr.PC.

During the year 2006 the department has also revised the profroma relating to the monthly criminal diary and separate proformas for Sessions and Lower Courts monthly diaries have also been introduced. To maintain proper record, updating the record and also to improve the efficiency relating to the criminal cases, Master Criminal Registers have also been introduced and supplied to all the District Attorneys posted at Distt. H.Q

(iv) HARYANA LEGAL CELL, NEW DELHI

Haryana Legal Cell, New Delhi controls the criminal/civil litigation of the State pending in the Supreme Court. The filing charges of the criminal/civil cases of the various departments are paid by the Haryana legal Cell, New Delhi on the basis of the rate approved by the State Government from time to time. The Civil & Criminal cases of the State are defended by the panel of Advocates, which is approved by the Government. All the civil & criminal cases pertaining to the state of Haryana pending

in the Supreme Court of India have been loaded on internet. The concerned department can watch the latest position of the civil & criminal cases filed in the Supreme Court of India on web site <http://web1.hry.nic.in/hlc>". The rate of fees paid to penal of advocates for conducting cases on the behalf of the Haryana Govt. in the Supreme Court of India/Delhi High Court/subordinate Court of Delhi ,CAT & other tribunal located at Delhi have also been fixed by the Haryana Govt. circular letter No. 21/2/91-5 JJ(1) dated 24/30.5.2002. Further the list of penal of senior advocates/advocates for conducting cases pertaining to the state of Haryana in the Supreme Court of India/Delhi High Court/ Subordinate Courts of Delhi, CAT and other tribunal located at Delhi have also been circulated by the Govt. letter No. 21/2/2005-5JJ(1) dated 10.02.2010. To safeguard the interest of the State and the department concerned, better synergies and interaction is required between the department concerned and the counsel representing it, the Legal Cell based at Haryana Bhawan, New Delhi working under the supervision of the Resident Commissioner, Haryana Bhawan has been computerized. All the cases listed before the Supreme Court is available on the website of the Haryana Legal Cell, Haryana Bhawan which will help concerned departments keep track of all the cases and the status thereof. It has also been decided by the Govt. that henceforth the concerned Administrative Secretary/Head of the Department may take a decision to engage the Law Officer/Advocate from the latest panel of Advocates approved and circulated by the State Govt., copy of which is available in the Haryana Legal Cell and also on website at the time of taking decision for filing the cases in the courts at Delhi in consultation with the o/o Advocate General, Haryana as per provisions of Haryana State Litigation Policy, 2010. A certificate from the counsel concerned whosoever is engaged is required that none of his family member as earlier appeared in that case from the opposite side. In addition to this, the Resident Commissioner has also been directed to make available a conference room in Haryana Bhawan for conducting consultations with the counsel engaged by the departments. In this connection necessary instructions have also been issued by the Govt. vide order letter No. 21/2/07-5JJ(1) dated 30.8.07. The web site No. Haryana Legal Cell is <http://web1.hry.nic.in/hlc>". The detail of employee posted in the Haryana Legal Cell, Haryana Bhawan, New Delhi is as under:-

Sr. No.	Officer/Officials	Telephone No.
1	District Attorney	011-23389631
2	Assistant District Attorney	011-23389631(PP)
3	Head Clerk-cum-Accountant	011-23389631(PP)

These officials can also be contacted on PBX of the Haryana Bhawan, New Delhi. The working of above officers/officials of Haryana Legal Cell, New Delhi is under the overall control of the Director of Prosecution.

(v) OFFICE COMPLEX FOR DIRECTORATE OF PROSECUTION

As a result of the utmost efforts made by Sh. K.S. Bhoria, IAS, Financial Commissioner and Principal Secretary to Government Haryana, Home Department and Sh. H.R. Janni, Director of Prosecution, a separate building 'Abhiyojan Bhawan' has been constructed for the Head Office of the Prosecution Department at Bays No. 9 & 10, Sector- 14, Panchkula and the office is working in this building since 12.2.2010. In addition to this it was also decided by the Govt. to construct official building for the Prosecution Agency adjoining to judicial complexes in each district. Accordingly the Haryana State will be the first State to have its own office complexes for the Directorate and its subordinate offices.

(vi) CHIEF VIGILANCE OFFICER

The Govt. has notified Sh. Anil Kumar Ahluwalia, Administrative Officer, of the Department as Chief Vigilance Officer of the Department vide Govt. letter No. 4/3/2006-2JJ(1) Dated 11.03.2010. His official address and telephone No. is as under:-

Sh. Anil Kumar Ahluwalia,
Administrative Officer
Abhiyojan Bhawan, Bays No. 9 & 10, Sector 14,
Panchkula 0172 – 2578392 (O)

(vii) PROCEDURE FOLLOWED IN THE DECISION MAKING PROCESS INCLUDING THE CHANNEL OF SUPERVISION.

At District level the work of Assistant District Attorneys/ Deputy District Attorneys are supervised by the District Attorney posted in the District. The Assistant District Attorneys/ Deputy District Attorneys and District Attorneys defend the Civil and Criminal cases in court on behalf of State and after pronouncement of judgment they examine the judgment and tender their legal advice as to whether the particular case is fit for filing appeal in the next higher court or not. Assistant District Attorneys/ Deputy District Attorneys posted in the District are accountable to the District Attorneys and District Attorneys posted in the District level are further answerable to the Director of Prosecution in criminal cases and in civil cases.

(viii) THE RULES, REGULATIONS, INSTRUCTIONS, MANUAL AND RECORD HELD UNDER ITS CONTROL OR USED BY THE EMPLOYEES FOR DISCHARGING ITS FUNCTIONS.

The Assistant District Attorneys/Deputy District Attorneys /District Attorneys defend the court cases in court in accordance with the regulations, law/Act/ Rules 6 recently the procedure for initiating / finalizing the ACR of Distt Attorneys / Deputy District Attorneys/Asstt. District Attorneys has been revised vide Govt. letter No. 25/4/2007-2 JJ(1) dated 10.9.07. The revised procedure for initiating /finalizing the ACR report of these officers is as under:-

Sr. No.	Designation	Initiating Authority	Reviewing Authority	2nd Reviewing Authority	Accepting Authority
1	Director	F.C., Home	-	-	Minister-in-Charge
2	Additional Director	Director	F.C., Home	-	Minister-in-Charge
3	District Attorney	Deputy Commissioner	D.P.	FCH	Minister-in-Charge
4	Deputy District Attorney	1. District Attorney 2. Deputy Commissioner	D.P.	-	FCH
5	Assistant District Attorney	District Attorney	D.C.	-	D.P

(ix) THE STATEMENT OF CATEGORIES OF DOCUMENTS THAT ARE HELD OR UNDER ITS CONTROL

Following documents are held by the District Attorneys

- (a) Criminal cases put in courts by the Police Department.
- (b) Files pertaining to civil cases of the various Departments of the State.

In the Directorate

- (a) Personal files pertaining to the officers and officials posted at H.Q. in the districts as well as in various departments.

(x) INSTITUTION, DISPOSAL AND PENDENCY OF CRIMINAL CASES IN SESSIONS COURTS AND MAGISTERIAL COURTS:

The State Govt. vide its circular letter No.129/9/94-2JJ(I), dated nil has constituted District Level Monitoring Committee to expedite the investigation and trial of criminal cases in courts at district level and the Monitoring Committee consists of the following members:-

- 1. District & Sessions Judge Chairman
- 2. District Magistrate Member
- 3. Chief Judicial Magistrate Member
- 4. Superintendent of Police Member

5. Superintendent of Jails Member
6. District Attorney Member Secretary
7. District Probation Officer Member

It has also been decided by the Govt. that the District Level Monitoring Committee should meet once in a month. The meeting of this committee is required to be held in the Chamber of the District & Sessions Judge. The Committee will take remedial measures for expeditious disposal of pending cases.

Further to ensure greater coordination between the Police and Prosecution Agency with the aim to increase efficiency and effectiveness for the disposal of criminal cases the Govt. has constituted yet another Committee called "Coordination Committee" which consists of the following members:-

1. Deputy Commissioner
2. Superintendent of Police
3. District Attorney

This committee was required to meet at least twice in a month and frequently when required. This committee is also required to discuss criminal cases on the following points:-

- i) Case property be presented in time and should not be misplaced/lost.
- ii) Attendance of eye witnesses in time must be ensured and once present efforts should be made to ensure that their evidence is recorded on that date.
- iii) Cases in which Govt. is a party and loss of cases be analysed as to why the department failed so that corrective measures can be enforced at if necessary responsibility be fixed.

(xi) HARYANA STATE LITIGATION POLICY, 2010:

District level policy implementation and Redressal of Grievances Committee:

In pursuance of provision contained in section 4.5 and 5.1.3 of the said policy implementation and redressal committee at the District Level to monitor, review the litigation of all the cases and to redress the grievances of the aggrieved party regularly headed by the District Attorney concerned consisting of the following members has been constituted: -

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| 1. | District Attorney | Chairperson |
| 2. | Seniormost Deputy District Attorney | Member Secretary |
| 3. | Seniormost Assistant District Attorney | Member |

Setting up of Grievances Redressal System:

In pursuance of section 5.1.4 of the said policy Departmental Level Grievance Committee to redress the grievances of employees and other parties at Head Quarter

headed by Additional Director (HQ) consisting of the following members has been constituted: -

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|----|--------------------------------------|------------------|
| 1. | Additional Director (HQ) | Chairperson |
| 2. | Administrative Officer | Member Secretary |
| 3. | Superintendent/Deputy Superintendent | Member |
| 4. | Section Officer | Member |
| 5. | Concerned Dealing Assistant | Member |

Control and Management of Litigation:

In pursuance of section 9 of the said policy, the Additional Director (HQ), who is Senior Administrative Officer with legal background has been designated as Legal Nodal Officer of the department.

IT based decision support & monitoring system for Litigation Management:

The Deputy Superintendent (E) & Ms. Mamta Sharma, Computer Operator has been assigned the work regarding database/software to be designed in consultation with NIC for computerization of the department.

(xii) COMPUTERIZATION OF THE DEPARTMENT:

During the year 2006-07, the department under the magnificent control and command of Sh. K.S. Bhoria, IAS, the then F.C. Home and also with the efforts made by Sh. H.R. Janni, Director of Prosecution, has provided each office of the District Attorney at District level one Computer and two Computer Operators on Job Work basis through HARTRON to computerize the litigation work of the Prosecution Department. The Government has also sanctioned one more computer for the each office of District Attorney.

(xiii) DIRECTORY OF THE OFFICERS AND EMPLOYEES OF THE PROSECUTION DEPARTMENT.

The Directory of officers and employees of the Prosecution Department is as under:-

Sr. No.	Designation of officer	Telephone No. Office	Residence Tel. Nos.
1	Director	0172- 2560889	0172-2794300
2	Additional Director (H.Q.)	0172-2562003	0172-2586859
3	District Attorney (H.Q.)	0172-2578392	-
4	Deputy District Attorney (H.Q.)	0172-2578392	-
5	Administrative Officer	0172-2578392	-
6	Sr. Accounts Officer	0172-2578392	-
7	Superintendent	0172-2578392	-

(xiv) MONTHLY REMUNERATION RECEIVED BY THE OFFICERS AND EMPLOYEES INCLUDING THE SYSTEM OF COMPENSATION AS PROVIDED BY REGULATION.

The officers and employees of the Prosecution Department are paid salary in the pay scales given as under:-

Sr. No.	Designation	Pay Scale
1	Director	PB-4 37400-67000+10000 Grade Pay
2	Additional Director	PB-4 37400-67000+8700 Grade Pay
3	District Attorney	PB-3 15600-39100+6400 Grade Pay
4	Deputy District Attorney	PB-2 9300-34800+5400 Grade Pay
5	Administrative Officer	PB-2 9300-34800+5400 Grade Pay
6	Senior Accounts Officer	PB-3 15600-39100+6000 Grade Pay
7	Assistant District Attorney	PB-2 9300-34800+4600 G.P.+200 S.P
8	Superintendent	PB-2 9300-34800+4200 Grade Pay
9	Section Officer	PB-2 9300-34800+4600 G.P.+100 S.P
10	Deputy Superintendent	PB-2 9300-34800+3600 Grade Pay
11	Personal Assistant	PB-2 9300-34800+3600 G.P.+150 S.P.
12	Assistant	PB-2 9300-34800+3200 Grade Pay
13	Senior Scale Stenographer	PB-2 9300-34800+3200 Grade Pay
14	Librarian	PB-2 9300-34800+3200 Grade Pay
15	Head Clerk-cum-Accountant	PB-2 9300-34800+3200 Grade Pay
16	Stenographer-cum-Librarian	PB-2 9300-34800+3200 Grade Pay
17	Head Constable(Naib Court)	PB-1 5200-20200+2400 Grade Pay
18	Constable (Naib Court)	PB-1 5200-20200+2000 Grade Pay
19	Driver	PB-1 5200-20200+2400 G.P.+200 S.P.
20	Steno Typist	PB-1 5200-20200+1900 G.P.+100 S.P.
21	Clerk	PB-1 5200-20200+1900 Grade Pay
22	Restorer	PB-1 5200-20200+1900 Grade Pay
23	Peon	IS 4440-7440+1300 Grade Pay
24	Sweeper-cum-Chowkidar	IS 4440-7440+1300 Grade Pay

(xv) CONTROL OVER THE NAIB COURTS

It has been decided by the Govt. to place the Naib Courts under the control of the Prosecution Department and accordingly sanctioned 118 posts of Head Constable and 178 posts of Constables in all the District of the States. These posts are filled by taking the police officials on deputation from the Police Department.

(xvi) THE NAMES, DESIGNATIONS AND OTHER PARTICULARS OF PUBLIC INFORMATION OFFICERS OF THE PROSECUTION DEPTT.

The names and designation of the officer and other particulars of Public Information Officer of the Prosecution Deptt. is as under:-

Sr. No.	Name and designation of the Officer	Name of the offices for which designated as Public Information Officer/ Asstt. Public Information Officer Telephone No.
1	Sh. Banwari Lal, Additional Director	Appellate Authority
2	Sh. Anil Kumar Ahluwalia, Administrative Officer	State Public Information Officer (HQ)
3	Sh. Satish Jayal, Deputy Superintendent (HQ)	Assistant State Public Information Officer (HQ)
4	All the Distt. Attorneys at Distt. H.Q.	State Public Information Officer of respective District
5	All the Senior Deputy Distt. Attorney at Distt. H.Q.	Assistant State Public Information Officer
6	Assistant District Attorney, Haryana Legal Cell, New Delhi.	Assistant State Public Information Officer