

THE PARTICULARS OF ITS ORGANIZATION, FUNCTIONS AND DUTIES:

1. Historical Background:

Before the enactment of Criminal Procedure Code, 1974, Prosecution Agency of the State was part of Police organization in Himachal Pradesh. At that time prosecution in the State was being conducted by Police Prosecutors who were posted as Prosecuting Sub Inspector/ Prosecuting Inspectors/ Prosecuting Deputy Superintendent of Police. They were conducting prosecution in cases of the State. The Police Prosecutors were under the administrative control of the Superintendent of Police at District Level but over-all control rested with the Inspector General of Police of the State.

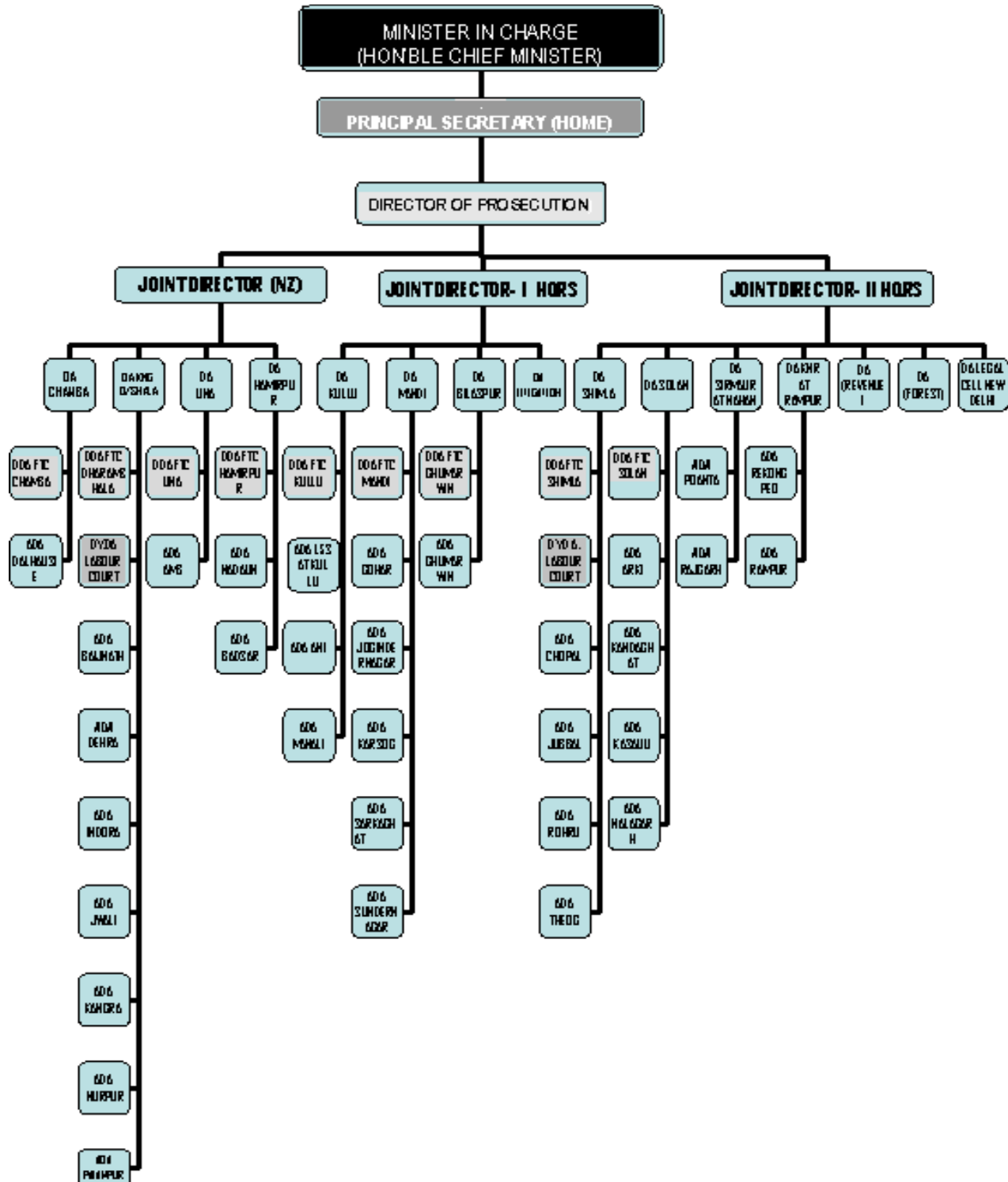
After coming into force the new Criminal Procedure Code, 1973, the provisions for the appointment of Assistant Public Prosecutors and Public Prosecutors were made under Section 24 & 25 of Cr.P.C., 1973. Regular cadre of Prosecutors came into existence in the year, 1974 as the earlier cadre of Police Prosecutors was abolished keeping in view of the provisions contained U/s 25(2) Cr.P.C., wherein it is provided that no Police Officer shall be eligible to be appointed as Assistant Public Prosecutor. The intention of the legislation while separating the Prosecution Department from the Police Department clearly indicates that the Prosecution Department of the State shall function independently without any undue pressure or favour from any corner including the Police Department.

Directorate of Prosecution :

As the Directorate of Prosecution came into existence in the year 1974 and the charge of the post of Director of Prosecution was initially given to Secretary (Law)-cum-Legal Remembrancer, who used to supervise the working of Prosecution Department and was also having the Administrative control through out the State. The Administrative control was transferred from Law Department to the Home Department in the year, 1996 and the post of the Director of Prosecution was manned by I.A.S. officers and thereafter for the first time, Director of Prosecution was appointed from the cadre of Prosecution Department in the year 1999. Presently Director of Prosecution has been appointed by the State Govt. from the cadre of Prosecution Department with the concurrence of Hon'ble Chief Justice of Himachal Pradesh High Court from amongst the Joint Directors of the Prosecution Department. The above appointment was made in consonance with the provisions of Section 25-A of Code of Criminal Procedure.

At present, the Directorate of Prosecution has the cadre strength of 169 Prosecutors which consists of 1 post of Director of Prosecution, 3 posts of Joint Directors, 15 posts of District Attorneys, 33 posts of Deputy District Attorneys and 88 posts of Assistant District Attorneys. Apart from it, there are 4 Joint Directors, 9 District Attorneys, 11 Deputy District Attorneys and 5 Assistant District Attorneys working in other Departments. The detail of which is mentioned at page No. 32 & 33 of this report.

ORGANIZATIONAL SET UP OF PROSECUTION DEPARTMENT



2. Main Functions of The Prosecution Department**1. Criminal Cases:**

Prosecution of all type of criminal cases in the Courts of Sessions Judges, Additional Sessions Judges, Chief Judicial Magistrates and Judicial Magistrates is being conducted by the Public Prosecutors and Assistant Public Prosecutors of the Department.

2. Civil Cases:

- i) All types of civil suits or proceedings filed by or against the Government in the court of Distt. Judges, Additional District Judges, Civil Judges (Senior Divisions) and Civil Judges (Junior Divisions), State Consumer Disputes Redressal Commission, District Consumer Disputes Redressal Forum and before Presiding Officer Industrial Tribunal-cum-Labour Court, Motor Accident Claims Tribunal, Rent Controller are being conducted by the District Attorneys, Dy.District Attorneys and Asst.District Attorneys of the Department.
- ii) Drafting/vetting of plaints/written statements/replies including notices under Section 80 CPC on behalf of the State Government and Public servants.

3. Revenue cases:

All kind of revenue cases before the Financial Commissioner/ Divisional Commissioner/ Settlement Collectors, District Collectors and all revenue cases at District Head quarter/ Sub Divisional level by Government Pleaders.

4. Legal opinion/ advice:

- a) Opinion to Government departments in legal, and service matters.
- b) Planning, budgeting, human resource management and infrastructure, management of the Prosecution Department.
- c) Scrutiny of police Challans and legal opinion to investigating agency.
- d) Drafting/vetting/filing of applications in all type of cases including civil, criminal revenue matters, appeals and revisions etc.