



**U.T. Administration of Daman &
Diu.**

Citizen's Charter of Directorate of Prosecution





Citizen's Charter

- Introduction
- Organization
- The Director
- The Public Prosecutor
- The Special Public Prosecutor
- The Asst. Public Prosecutor
- Motto



Introduction

The Directorate of Prosecution was established in the year 2012. The office of the Directorate of Prosecution is the Headquarter of the Prosecution of the U. T. Administration of Daman & Diu having its office at Moti Daman.

The Directorate is headed by a 'Director' who is an overall supervisory authority of the Prosecution in the U. T. Administration of Daman & Diu. The Director acts the Co-ordinator between the Investigating Agency and the Prosecutors. This prosecuting Agency is separate and independent from the Investigation agency and also from the Judiciary.

The Directorate is responsible for the conduct of the prosecution in all the courts in the U. T. Administration of Daman & Diu and liberty of scrutinizing the evidence in all the cases prior to their filing in the courts and ensures that the investigation is conducted in accordance with law.



Organization

The Directorate of Prosecution is headed by the Director of Prosecution who is appointed under Section 25- A of Cr. P. C. The Secretary (Home) of the U. T. Administration of Daman & Diu is the Administrative Secretary for the Directorate of Prosecution.

The Directorate of Prosecution shall function under the Administrative control of the Head of the home department in the U. T. Administration of Daman & Diu under provision section -25 -A (3) of Cr. P.C.

At present there is 01 standing counsel in the Hon'ble High court at Bombay appointed for a period of 03 years w. e. f. 11/08/2009 and 02 Public Prosecutor appointed as case wise fees basis on appearance at session court Daman District & Diu District separately. 01 sanction post of Public Prosecutor (Gazeted Group 'A') for Daman & Diu is presently vacant & under process for filling the post by U.P.S.C.

At present there are 02 sanctioned post of Assistant public prosecutor (Gazeted, Group 'B'), 01 is for Daman District and 01 for Diu District, they are working in the court of Chief Judicial Magistrate Daman & Diu. All Prosecutors are working under the Directorate. An offices of the APPs and the PPs are situated in the respective court premises, except the PP in the Hon'ble High court.

The post of Director of prosecution is created by MHA. New Delhi in the month of February 2012 and subsequently the Hon'ble Administrator of Daman & Diu created the post and appointed 'Director'. Thereafter the Director of Prosecution had started the function of office and there by the UT of Daman & Diu had complied the section 25-A-of Criminal Procedure code at present creation of staff for the Directorate of prosecution is under process.

Organizational Chart

Home Department

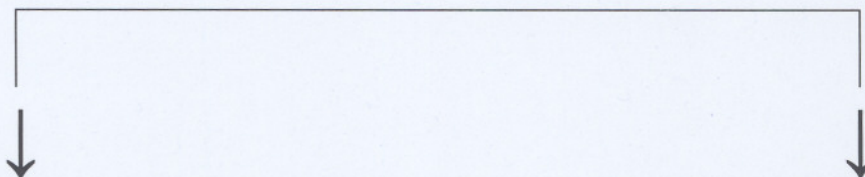


**Director of Prosecution,
P.S. Mangera**



Standing Counsel (P.P.) High Court

Fees applicable at prescribed by Govt.
Of India Ministry of Law & Justice.



Public Prosecutors (Session Court)

- 01 case wise fees basis on his appearance at Daman District
- 01 case wise fees basis on his appearance at Diu District
- 01 Regular post of Public Prosecutor for UT of Daman & Diu is vacant

Asst. Public Prosecutors

- 01 Regular selected through UPSC for Daman District
- 01 Regular selected through UPSC for Diu District

Director

Role and Responsibility

(a) Supervisory and Administrative Responsibility:

The Director of Prosecution is the Head of the Department and in his capacity as such Head of Department, is also the Reporting and Controlling Authority in respect of Public Prosecutors (PPs) and Assistant Public Prosecutors (APPs).

The day –to –day functioning of the offices of the PPs and of the APPs including the PPs in High Court and those of Special PPs appointed by the Government come under the direct administrative control of the Director of Prosecution. Further, the Director of Prosecution would be responsible for conduct of cases by Assistance Public Prosecutor/Public Prosecutor and Special Public Prosecutor at the subordinate courts as well as the High Court for smooth, proper and effective conduct of the prosecution cases and issue suitable directions for the aforesaid purpose from time to time as and when deemed necessary.

(b) Rendering of Opinion:

The Principal functions of the Director of Prosecutions would include the administrative control of the prosecution machinery, the scrutiny by his department of every charge sheet filed by the police, scrutiny of the cases where the police decide not to initiate prosecution, examination of all cases of acquittal and so on. and also gives advice to the other Government Departments whenever required in criminal cases. Legal opinion is sought on the matters relating to the feasibility of filing appeals/revision against the Orders of Courts in criminal cases/ Appeals etc.

The Director would call for report that ends in acquittal from the Prosecutors who conducted the case as well as from the superintendent of the Police of the area.

(c) Training:

Director also organizes trainings, seminars, workshop for the Prosecutors & Investigate officers, so that they are kept abreast with the up to date knowledge, interpretation and amendments of various law and latest citations.

The Director would hold regularly review meeting of the Assistant Public Prosecutors/ Public Prosecutors/ Special Prosecutors & District Superintendent of Police including investigation officers for ensuring proper co-ordination and for satisfactory functioning.

(d) Financial Responsibility:

Director looks after the financial matters and is the Budget Controlling Authority for offices of PPs and Apps.



PUBLIC PROSECUTORS/STANDING COUNCIL
(Hon'ble High Court)

Standing council for Hon'ble High Court of Bombay Bench is appointed under the Cr.P.C. There is 01 standing council appointed on appearance basis, fees applicable as prescribed by Govt. of India Ministry of Law & Justice, He is Gazetted Officer in "Group A" cadre.

Duties of Government Standing Council appearing on the criminal side in the High Court.

- 1) Appearance in the High Court in the cases marked to them by the officers of the departments.
- 2) Rendering advice in cases decided against the government on whether appeal/review/revision should be filed.
- 3) Keeping the concerned officials informed of important developments in cases assigned to them, especially stay order.
- 4) Furnishing periodicals reports and statements, as well as render detailed accounts.
- 5) Performing such other duties of a legal nature assigned to him from time to time.
- 6) Whenever, Court passes any order against the investigation agency or direction if any Standing Council shall give the feedback to the Director of Prosecution immediately.
- 7) The Standing Council shall appear in the appeal and revision against the Orders of the lower courts and other miscellaneous application filed before Hon'ble High Court against the state, writ Petitions etc.



PUBLIC PROSECUTORS (Session Court)

One sanction post of regular Public Prosecutor of Daman & Diu is vacant Therefore Public Prosecutor are appointed u/s. 24 of Cr.P.c. on case wise fees payable on their appearance. There is a Regular cadre of Prosecuting Officers who are promoted as Public Prosecutors otherwise as per Recruitment Rules, post filling on deputation and if not available on deputation then Public Prosecutor are appointed as per case wise fees payable on their appearance basis. They are Gazetted Officers in "Group A" Cadre. Their offices are situated in the respective court buildings.

The offices of the PPs are situated at the following places:

Sr. No.	Places	Phone No.	Number of PPs	Number of Courts
1	Daman District & Sessions Court Bldg. (Ground Floor)	O. 2230567 R. 2230905	01 (Additional charge is given to PP in Special Court as Notified under any special Act.)	01
2	Diu District & Sessions Court Bldg. (1 st Floor)	O. 253232	01 (Additional charge is given to PP in Special Court as Notified under any special Act.)	01

The Public Prosecutors are conducting Prosecution of cases on behalf of the UTs of Daman & Diu in the Session Courts of their respective District. The cases handle by the PPs are of grave in nature and

exclusively tribal by the Sessions Courts. In addition to their above duties the PPs are appointed as Special Public Prosecutors before specially designated courts under various special acts like NDPS Act, under Prevention of Corruption Act, Prevention of Atrocities of SC & ST etc.

The Public Prosecutor appointed in the sessions Court appears in Appeals and Revision against the Orders of the lower courts. The PPs also appear in the hearing of the bail applications on behalf of the UTs.

The Public Prosecutors will work in close coordination with the Police Department, assist it in speedy and efficient prosecution of criminal cases and render advice and assistance from time to time.

Whenever, Court passes any order against the investigation agency, or any directions the Prosecutor shall give feedback to the Director of Prosecution immediately.

SPECIAL PUBLIC PROSECUTOR

The Government has power to appoint Special Public Prosecutor u/s. 25(8) of Cr.P.C. in any court. The special Public Prosecutor's role is no different from that of a Prosecutor appointed in a normal course and his duties remain quite the same. The Special Public Prosecutor is appointed by individual notifications governing specific cases.

Working hours:

Working hours of the PPs/APPs are from 10.00 a.m. to 6.00 p.m. with lunch break from 2 p.m. to 2.30 p.m. However from 10 a.m. to 2 p.m. and from 2.30 p.m. to 6.00 p.m. they remain in their respective Courts, whenever cases are fixed for hearing by the courts.

(a) Review of Judgment/Orders:

The final Judgment and Order of either the Hon'ble High Court or Lower Court in a particular case is not an end in justice delivery system. Once the Judgment and Order is delivered by the court the same is required to be scrutinized by the Public Prosecutor who appeared in the matter. The PP has to examine the Judgement and Order Vis-à-vis the feasibility of preferring an appeal to the next higher court and forward his /her opinion in the matter to the concerned Investigating Officer. The said

officer after the requisite processing of the same has to forward the file through S.P. to Home Department. The said file is then forwarded to Director of Prosecution through Home Department to render his/her opinion in the matter vis-à-vis the Judgment/Order of the court and the opinion thereon of the concerned PP and then submit the file to the Home Department for the decision of the Government.

(b) Drawing and disbursing officer

The Public Prosecutor of respective office also performs the functions of drawing and disbursing officer.

ASSISTANT PUBLIC PROSECUTORS

Assistant Public Prosecutor are Gazetted Officer in Group "B" cadre and are appointed u/s 25 of the Criminal Procedure Code. At present 02 APPs are working under this Directorate one is at Daman District and one is at Diu District. The APPs are appointed for conducting Criminal cases in the Courts of Chief Judicial Magistrates and in the Courts of Judicial Magistrate First Class.

The Details of the offices of the APPs are as under:

Sr. No.	Places	Address	Phone	No. of APPs
1	Daman	District & Session Court Bldg. (1 st Floor)	O. 2230022 R. 2230122	01
2	Diu	District & Sessions Court Bldg. (Ground Floor)	O. 253232	01

Duties and functions of Asst. Public Prosecutors:

(a) Basic functions:

The Asst. Public Prosecutors are conducting criminal cases before Chief Judicial Magistrates/ Judicial Magistrate First Class.

In Addition to cases filed by the police, they also deal with criminal cases of other Departments such as food and Drugs Administration, Labour Department, Excise Department, Forest Department, Town and Country Planning Department etc.

In addition to that when investigation agency is sending the charge sheet to the concerned Prosecutor for scrutiny then they ensure that

evidence are properly collected by the investigation agency in accordance with the necessary ingredients of the crime.

Working Hours

As applicable to the Public Prosecutor.

(b) Review of Judgement/Orders:

The final Judgment and Order of either the Hon'ble High Court or Lower Court in a particular case is not an end in justice delivery system. Once the Judgment and Order is delivered by the court the same is required to be scrutinized by the Assistant Public Prosecutor who appeared in the matter. The APP has to examine the Judgment and Order Vis-à-vis the feasibility of preferring an appeal to the next higher court and forward his /her opinion in the matter to the concerned Investigating Officer. The said officer after the requisite processing of the same has to forward the file through S.P. to Home Department. The said file is then forwarded to Director of Prosecution through Home Department to render his/her opinion in the matter vis-à-vis the Judgment/Order of the court and the opinion thereon of the concerned APP and then submit the file to the Home Department for the decision of the Government.

(c) Drawing and disbursing officer

The senior most Assistant Public Prosecutor of respective office also performs the functions of drawing and disbursing officer.

(d) Delegado :

The function of "Delegado" (who corresponds to the Representative of the Government before the court) is performed by the Assistant Public Prosecutor under family laws of Goa, Daman and Diu.

In their capacity as "Delegado" the APPs play a major role in the Adoption of Minors, Inventory Proceedings, Wills, Succession Deeds etc. To protect the interest of minor. They also grant sanctions, for exemption from mandatory marriage notice period for marriages in cases of urgent marriage Registrations.

Motto

The Prosecutors in India, plays an important and indispensable role in the Criminal Justice System. He is supposed to render impartial assistance to the court of law in deciding the criminal cases. Thus Prosecutors represents the most important and traditionally respected section of the society. The profession has undoubtedly played its role altruistically in the larger interest of society.

'JUSTICE FOR ALL'