

GOVERNMENT OF PONDICHERY
ANNOUNCEMENT

Directorate of Prosecution - Functions of the Director of Prosecution -
Orders - Issued.

LAW AND LABOUR DEPARTMENT

G.O. No. 15. 35/91-133

Pondicherry, the 11th April, 1901.

READ: G.O. No. 64/91 issued the 19th December, 1900 of the Law
and Labour Department. Serial No. 17.

ORDER:

Government has set up a Directorate of Prosecution as a wing of the Law Department, Pondicherry to exercise supervision and control over the public prosecutions and Government litigations. The organisation is the first of its kind in the Union Territory and the Government has felt it necessary to lay down the functions and duties of the Directorate of Prosecution to define the objects for which it is created.

2. The Lieutenant-Governor, Pondicherry has therefore been pleased to direct that the Director of Prosecution shall perform the following functions, namely:-

(1) He should be the Head of the entire prosecuting machinery and also the machinery employed by the Government for civil litigations in the whole of the Union territory and exercise administrative control over all the prosecutors and Government Pleaders in all the courts in the Union territory and also in the High Court, Madras.

(2) He should guide and assist the prosecution of all cognizable cases and may himself if so required conduct important prosecutions.

(3) Every police charge-sheet in a warrant case, before it is laid in the court shall be scrutinised in the office of the Director of Prosecution so that in case any difficulty or lacuna exists in the prosecution case, it shall be possible to remedy it by further investigation on the lines indicated by the Director of Prosecution.

(4) On all important cases, both criminal and civil, the Departments of the Government should consult him before laying charge-sheet or other reports to the court and before filing suits, writs and other proceedings and also in defending suits, writs and other proceedings against the Government.

(5) The Director of Prosecution should advise the Police Department and other Government Departments on the legal aspects of a case at any stage of criminal and civil proceedings including the stage of investigation.

(6) Wherever the Director of Prosecution deems it necessary, he should move the Government to engage advocates as Special Public Prosecutors and Special Government Pleaders or Special Counsels in all the courts in the Union territory and in the High Court, and for this purpose keep a panel of advocates ready with him in consultation with the Chief Judge, Pondicherry.

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S.P.C. (vac)
D.O. P

dt. 11.8.99.

(7) Cases in which the Police Department or other Departments of the Government decline to initiate prosecutions should similarly be scrutinized by the Director of Prosecution.

(8) The Director of Prosecution should examine all cases of acquittals and cases where there is a conviction only for a minor offence. The necessary steps have been acquitted of more serious offences and advise the Police and other Departments about the further course of action and he should also take the necessary steps to avoid miscarriage of justice.

(9) The Director of Prosecution should keep in constant touch with the prosecutors and Government Pleaders and periodically convene meetings of Public Prosecutors and Government Pleaders to co-ordinate their work. He should also ensure a cordial relation between the prosecution agency/litigation agencies and the Departments of the Government.

(10) He shall advise the Departments on questions relating to appeal, commutation etc.

(11) He shall encourage the Prosecutors and the Government Pleaders to consult him in all cases of difficulty.

3. The performance of the Directorate will be reviewed after a period of one year and the modification of the scheme, if any, will be made thereafter.

(BY ORDER OF THE LEFT CHIEF SECRETARY)

(Signature)
(L. CHANDRASEKHARA MENON)
SECRETARY TO GOVERNMENT

The Director of Prosecution,
Pondicherry.

Copy to:

1. The Chief Secretary to Government, Pondicherry.
2. All Secretaries to Government, Pondicherry.
3. The Chief Judge, Pondicherry. 36. The Inspector General of Police, Pondicherry.
4. The Chief Judicial Magistrate, Pondicherry.
5. Thiru S. Govindaraj, Public Prosecutor & Government Pleader for Pondicherry at High Court, Madras, 21, Karpudambal Nagar, Mylapore, Madras-4.
6. Thiru K. Appachari, Government Pleader, Pondicherry.
7. Thiru A. Govindraj, Public Prosecutor, Pondicherry.
8. All Heads of Departments/Offices, Pondicherry.
9. The Administrator, Karaikal/Madu/Tamil.
10. The Assistant Public Prosecutor Grade-I, Pondicherry.
11. The Assistant Public Prosecutor Grade-II, Pondicherry/Karaikal.
12. The Assistant Government Pleader, Madu/Tamil.
13. The Central Record Branch, Pondicherry.
14. The G.O. File.

(Signature)