Chapter–XI

CONCLUSIONS

SUMMARY

Pre-Trial: An efficient and effective intake process is one in which all relevant information reaches the Public Prosecutor as quickly as possible so that all the facts of the case can be reviewed and analysed prior to the initiation of any court proceeding. The quality of decisions that are taken here sets the course for justice. Law in India, paid little systematic attention in this area of Criminal Justice System. Much touted independent prosecution set up and its interaction with police has no substantial statutory support. The principle of separation of powers is foundation of any functional democracy. The role of a prosecutor as a legal adviser to investigating police is crucial since his ability to prosecute successfully is directly dependent on the quality of work laid by police. Absence of any review by prosecutor on the arrest decisions and his non-participation at remand hearings and lack of any role for him to review the honesty and the direction of investigation, keep him in dark over the case file. For a qualitative case building prosecutor shall be given a role to play in these areas. The decision to charge or not to charge legitimately falls in the prosecutor's domain but the law failed to follow this path. There is no justification to leave this prosecution function to police and court. The power to take decision on no-prosecution cases shall be shifted from court to prosecutor with a right of appeal for the aggrieved before the Director of prosecution. Since growth in crime rate is galloping and the case process is limping in courts with overloads of weak cases, recreation of law with attention to specifics on the prosecutor's pre-trial functioning will rejuvenate and redeem the Criminal Justice System of the quality, quantity, quickness concerns. Law shall bring passion for prosecutors to distribute fair

Justice to society. There shall be a shift from Police - Magisterial model to Prosecutor – Magisterial model in this phase.

Trial: In the trial of a case the prosecutor is to establish truth as speedily as possible. It is the most work intensive phase for him on any given day. It is noted that several players in the criminal justice system create road blocks retarding the progress of prosecution. He has no control over the docket management of the court. Lethargy of prosecutor is also a contributory factor for slow trials. Prosecutor is not made accountable for violation of speedy trial norms. The fair trial requirement is lopsided. It demands the presence of accused to proceed with prosecution and has not allowed exparte trials. Police indifference, absenteeism, tactics of accused and that of lawyers have become vested interests in causing trial delays. Such of those incoherent legal principles shall be pruned and law shall set norms to the Public Prosecutors for speedy conduct of prosecution and shall provide *exparte* trials in appropriate cases.

Courts are vacant without judges but prosecutors are posted there and they sit idle without work. On the other hand, there are courts without prosecutors appointed to those courts and therefore there is no progress in criminal cases. Thus there is failure of human resource management. The Directorate of Prosecution and the Judiciary shall work in unison to nullify these lapses.

It is seen that the wholesome privilege of making an opening speech by the Public Prosecutor before commencement of trial is not adhered to thereby allowing vagueness in the trial process. Absence of effective role for Public Prosecutor in the process preceding trial is found to be the cause of the disuse of this privilege. Its outfall is that there is additional burden for prosecutor to prove undisputed facts causing strain on the system.

Another consequence is that the Indian courts could not feel confident to act upon the guilty pleas of accused. Law failed to provide a deserving role to the Public Prosecutor in telling the court the desire of the state on the plea of guilt submitted by the accused. Therefore, he could not bring out the full enormity of the crime and the criminal to the court. This has led to lesser punishments being given to hardened criminals. Public interest doctrines justify assigning a task to Public Prosecutor since every accused is presumed to be innocent, there is the onerous task for the Public Prosecutor to prove the case beyond reasonable doubt to seek conviction of accused. Statements of witnesses on oath in the court are the substantive evidence and that is the life for the prosecution case. However, statutory law has not provided for any interaction for prosecutor with witnesses and failed to prescribe his rights and duties on this vital aspect. Law has not empowered prosecutor to call the witnesses. He is made a dependent on police over whom he has no administrative or legal control. As a consequence of it, in most of the cases prosecutors tender witnesses before court without knowing for themselves the stand of these witnesses. Absence of any office for the prosecutors is another reason that is sustaining this vital lapse. Since prosecutor has no power to call witnesses, the process of court is used and due to indifference of police in serving process, the continuity of trial is hardly possible. A trial in installments is a routine fare and that vitally weakens the case. Though law obligates the prosecution to produce its witnesses, it has not empowered the Public Prosecutor to summon the witnesses. Statute shall provide for police-prosecutor co-ordination. A set of police personnel shall be kept under the control of Public Prosecutors to fetch witnesses. This will enable him to prepare witnesses. Prosecutors

shall be provided with office and legal assistants for case preparation. Such schemes would bring accountability for prosecutors.

Public prosecutor should elicit from witness facts which are true though they may help the adversary. Prosecutor owes a duty to tell the court not to act upon evidence of a witness which evidence is untrue to his knowledge. He should avoid evidence that is repetitive. He shall see economical and expeditious completion of prosecution. Huge number of witnesses turning hostile in several cases every day is suggestive of the prosecutor's failure to hold control on men and matters. Law shall provide accountability norms for the Public Prosecutor on each hostile witness, so as to bring purity to process of justice.

The duty of disclosure is on prosecutor. However, there is no corresponding duty to disclose the line of defence on part of the accused. The right of accused to remain silent is a concept that is religiously followed by law without due regard to the concept of justice and fair trial. The doctrine of equality of arms followed by various countries and accepted by the criminal jurisprudence has not yet made its entrance into India. The Public Prosecutor is handicapped in his trial functions since he has no right to question the accused and no right to know his line of defence. Law need be suitably amended bridging these vast gaps by building a role for Public Prosecutor to function effectively and efficiently to see that public interest is protected and prosecution of each criminal case is completed quickly.

Post-Trial: After trial the guilty shall be punished; victim shall be compensated. Various penological theories of punishment operate in proposing suitable sentences. Unmerited convictions, acquittals, inappropriate sentences shall be set right through the

process of appeals before higher courts. It is found that sentence determination is a function exclusively left for courts. The extent to which Public prosecutor could advise the court in sentence formulation is differently dealt with by different jurisdictions in the world. Sentencing process is polycentric where prosecutors, probation officers, defence lawyers, court converge their attitudes and beliefs to bring out a sentence that suits the guilty and satisfies the public interest elements. There is need for integration among policies and practices of the several criminal justice agencies to attain a practical operating equilibrium. Prosecutor could influence the sentence formulation initially while filing charge sheet as he could manipulate facts brining the case within a lesser or graver offence. Later at the sentence hearing stage, he could influence the sentence by disclosing or withholding the facts concerning the character and social background of the guilty persons.

In plea bargaining cases, law granted a right to the Public Prosecutor to advise the court on the option of release on probation or sentence. However, it is found that on the actual sentence of punishment there is inept legal language that debarred any leverage for prosecutor to advise the court on the length of sentence.

In contest trials, the statute recognised the need to hear the accused in very heinous crimes and warrant triable cases and has not provided such opportunity in summons triable cases. Statute failed to recognise the necessity to allow the Public Prosecutor to putforth community interests for the court's consideration before sanctioning punishment to the accused. Activist judiciary extended the role of Public Prosecutor only to some extent when it allowed him to adduce evidence and make submissions about the accused in all sorts of crimes excepting in summons triable cases.

Inconsistent judicial decisions are noticed in capital punishment cases where it supposed that if the court on its own considers the case to inflict life imprisonment there would be no need to hear the Public Prosecutor. This reluctance to hear the Public Prosecutor and impairing him to urge the court about the need to award death penalty is violative of fair procedure norms. The whole set of modes of punishment for adult offenders are archaic as they provide prison sentences and fines alone for majority of offences. Public prosecutors are found not worried about the availability of prison space or the drain on budget of the State while arguing for sanctions for the offenders. Varieties of punishments being very limited the ply for the Public Prosecutor remained too narrow to enthuse him to work on the criminal's background to suggest for appropriate punishment.

Releasing the guilty person on probation is one important method of handling criminals. The discretion to adopt this mode is exclusively vested with the court and while exercising this power statute has not provided any role for the Public Prosecutor. Given the fact that the Public Prosecutor knows the ground realities more than what the court could grasp through the case record, the law shall be amended making it obligatory for court to hear the Public Prosecutor while it considers the option of probation. Disconnecting Public Prosecutor at probation decisions disabled him from seeking right compensation to the victim of crime. However, at sentence hearings Public Prosecutor could seek for adequate compensation for the victim of crime.

State spends a lot of money for each case during investigation and trial. Statute empowered the court to grant expenses to the State and direct the convict to pay. However, the law is narrowly made as the expenses have to be ordered only from fines. There is no rule for maintaining expenses tag for each case of prosecution. Therefore,

Public Prosecutors are unaware of expenses and they show little interest in urging the court to grant expenses. The whole scheme shall be redrafted. It is seen that law empowers the Public Prosecutor to seek certain preventive orders about residence of convict. In practice it is found that the prosecutors are not oriented towards use of those methods.

It is seen that there is sentencing disparities and absence of sentencing policies. In each district, a council of Public Prosecutors shall be formed for discussions and based on local conditions they can arrive at certain uniform decisions on sentencing aspects. Better training to them could enhance their efficiency.

To correct the errors of lower court verdicts, law permits the parties to prefer appeals before higher courts. The appeal can be either against conviction or acquittal or against the adequacy of sentence. It is seen that the discretionary power to decide whether an appeal be filed or not is with the District Magistrate or the State Government. However, the presentation of appeal is by the Public Prosecutor. Filing an appeal is a decision that has to be taken on the basis of facts of the case and the findings of the court mentioned in the Judgement. District Magistrate is ineffective in this regard as he is a lay man and not a law man. The power to decide whether an appeal be filed or not shall be with the Directorate of Prosecution. It is seen that the law of appeals is more tuned towards safe guarding the interests of the accused but not the public interest aspects. There appears no serious obligation for the prosecutor to studiously appear and pursue the case before appellate court. Before trial courts during post conviction bail hearings also there is no right of audience for the prosecutors. Code of Criminal Procedure shall be suitably amended on all these aspects.

Renouncing the Prosecution: Justice administration is sometimes done by not prosecuting a case through a full trial mode. A prosecution can be withdrawn, it can be plea-bargained, victim and accused can arrive at a composition and an accomplice can be given pardon. Public prosecutor can withdraw from prosecution on various grounds such as paucity of evidence, discovery of truth disclosing the misconception of prosecution case or to perpetuate peace between warring groups. It is found that the judicial interpretation placed an independent burden on the prosecutor to show his personal satisfaction for withdrawal that it is in the interest of justice and to protect public interest. It is suggested that placing such a duty on a prosecutor *de hors* his professional engagement is not in tune with the legislative scheme and there is need for rethinking. The literal interpretation of the words in the statue created a situation where private prosecution is permitted on withdrawal of prosecutor from prosecution. It is found that this feature is against the spirit of the concept of public prosecution and it further belittles the whole theory developed in this area of withdrawal from the prosecution. A thorough restatement of law on this aspect is found necessary.

It is seen that a properly crafted scheme of plea-bargaining would practically render effective justice to everyone concerned. For this, Public Prosecutor shall have power to select charges and shall be permitted to charge bargain with the accused. It is found that the present framework of law failed to recognise the role that could be played by Public Prosecutor. He is not permitted to initiate plea-bargaining. It is seen that the language of the statute confines the court in sentencing process without leaving any discretion in determining the length of sentence. That works against the spirit of the scheme especially in the context of sentencing pattern of trial courts in India. Law failed

to have a comprehensive notion to make plea bargaining a success. It is seen that various offences that fall within the scope of probation, composition, plea-bargaining are not conjointly considered. It is found desirable to allow much graver offences for plea-bargaining. Statue shall be amended in these areas of law and the Public Prosecutor shall be permitted to initiate and negotiate plea bargaining with power to have charge bargaining and power to make sentencing suggestions to the court. This will activate the office of Public Prosecutor to work for quick completion of criminal prosecutions.

It is seen that victim and accused can enter into composition of an offence in a public prosecution without the knowledge of Public Prosecutor. For the sake of welfare of unaided victim and to avoid manipulation of judicial process by unscrupulous accused persons law shall provide for participation of Public Prosecutor before a case is compounded.

It is seen that to secure enough evidence against the accused law grants pardon to an accomplice. It is practical logic that it is for the prosecutor to think about the strength of evidence in his case and to explore the route of obtaining pardon for an accomplice. However the law in the statute is not very satisfactory as it appear to put burden on the court. It is found that courts recognised the embarrassment in taking judicial decisions on this and they held that it is for prosecutors to initiate the process. It is also seen that when pardoned accused violates the terms of order granting pardon he shall be prosecuted. There appears no clarity for prosecutors to practice this. Statute shall be amended to bring clarity and empower the Public Prosecutor to take decision and initiate process for pardon. Law shall specify clearly as to which prosecutor shall seek sanction from the High Court to prosecute such accused.

Take Over: It is seen that law permits two streams of prosecution. There are certain situations where a Public Prosecutor could take over a private prosecution. It is found that the existing law is not comprehensive. Statue shall be suitably amended empowering the Public Prosecutor to take over private prosecutions on public interest factors.

It is seen that in certain circumstances a private prosecutor is permitted to take over a public prosecution totally substituting the Public Prosecutor. Judicial interpretation of Section 302 of Cr.P.C. is not sound either on logic or on legal theory. To keep up fairness and impartiality in trials and to avoid disparity in legal assistance on monetary reasons, and to keep up superior supervision on public prosecution there shall be a general bar for taking over public prosecution by a private prosecutor. It is found that the remaining functionaries in the criminal justice system cannot be substituted by a private person. Therefore, permitting a private party to take over public prosecution from the hands of Public Prosecutor is against the general policy of law and law shall be amended.

Part-Timers: It is seen that in the name of quality hunt, the State seeks for professional engagement of lawyers on tenure basis as Public Prosecutors, additional Public Prosecutors. They are part time prosecutors working on a meagre sum of a consolidated pay without any training and any promotional avenues. For selection of right persons, the concept of consultation between executive and judiciary is provided. However, the ultimate authority to appoint a prosecutor, from the panel of individuals, is the Government. It is found that political and parochial considerations marred the entire scheme. Part timers are permitted to have their own private practice and that led to erosion in their commitment towards cause of justice. They lack professionalism expected from a State prosecuting counsel. They have less co-ordination with police. In

many States, on many occasions, their appointments are litigated and therefore the process got delayed resulting in obstruction to court work and that contributed for piling up of back logs in courts.

Assistant Public Prosecutors are appointed after clearing written test and oral interview. They are full timers. They are trained in prosecution work. They are paid salaries on a time scale and earn perks like any other public servant. They have promotional avenues and they are prevented from doing private professional practice and therefore, they are committed to their duties. They are able to co-ordinate very well with police and the court. It is suggested that the system of part time prosecutors shall be omitted and the State shall take steps for creating a regular cadre of prosecutors.

Client: Advising and lawyering are functions of Public Prosecutors. Advises are given by prosecutor but the decisions are to be taken by his client. However, his advises will have for reaching effects. To guide him to render proper advice prosecutor needs to know who his client is. If he does not identify his client, he cannot render suitable advice and cannot protect the substantial interests of his client.

On analysis of law, it appeared that the victim of crime, police, Government do not appear to be the clients of Public Prosecutor, viewed from the traditional angle of lawyer client relationships, as none of them can command him to do a particular thing in a particular manner. However, in those situations where the Public Prosecutor failed to discharge duties effectively any of them can seek that the prosecutor is relieved of his brief. Though accused is an adversary to the prosecutor even he could seek to debrief the prosecutor on the ground of bias.

In normal professional engagement client holds control over his lawyer. However, Public Prosecutor being a statutory functionary endowed with legal responsibilities, it is globally acknowledged that his real client is public interest and general public. In a democracy, like India, it is the elected Government that shall decide on public interest factors but not a public servant like Public Prosecutor. Upshot of these diverse theories leaves the concept still hazy. Statute shall legally define about prosecutor's client and give policy declarations to orient the Public Prosecutor to discharge his functions in a better way.

Ethics: Where law permits discretion to decide an issue in one way or the other way, it is the ethical principles that shall guide and govern the individual. Some of the important ethical principles are found not written in any statute but their observance is very fundamental and courts monitor compliance of them by Public Prosecutors. It is seen that Public Prosecutor shall be impartial in discharge of his duties. He shall not show preferences towards a victim as against an accused or *vice versa*. Courts took exception to the attitudes of prosecutors when they held back witnesses who were expected to speak facts that go in favour of accused and exhorted for impassionate disposition on part of prosecutors.

Public prosecutors are organisationally and functionally independent from police and judiciary. However, many prosecutors were found wanting in asserting their independence. Several times judges commented the prosecutor's failure to take independent decision on the issue of withdrawal from prosecution. Many prosecutors were seen reluctant to follow the administrative guidelines empowering them in their

independent supervision over police charge sheets. These failures resulted in prosecution of unnecessary cases and attempts to drop necessary cases.

The office of Public Prosecutor is one of great trust and confidence. As a functionary in the system he gains knowledge of various facts concerning accused and his crimes during his tenure. Propriety demands that after he demits office and becomes an advocate at the bar he ought not to defend an accused against whom he advised the State while holding office. It was found that some of the prosecutors took briefs of accused in violation of the ethical principle and the courts took note of it and prevented their efforts. Prosecutors also gain access to privileged communications during their tenure. Ethics shall govern him not to divulge such information with others after they demit office.

A prosecutor is to keep in mind the public interest factors and he shall strive hard and to the best of his ability. He shall not be lazy and shall give serious consideration to the case files. His slackness will affect the valuable rights of citizens. In his advisory role and advocacy role, he shall set high standards of work ethics.

It is found desirable to that the Directorate of Prosecution should prepare a document of 'statement of values' containing concrete examples of the ethical standards for Public Prosecutors for their guidance and orientation to avoid miscarriage of justice.

Organisation: Among the many functionaries in the executive, prosecution wing is made independent. Only recently it was structured legislatively and a Directorate of prosecution in each of the States is sought to be established. Director of prosecution is the Head of the organisation. It is seen that an advocate of ten years standing at the bar alone is made eligible to occupy this office. It is suggested that such advocate who never

prosecuted a case for the State may not be a right choice and law shall provide that a suitable person from the cadre of prosecutors shall be given opportunity to hold this office for reasons of efficient administration. The selection shall be in consultation with the High Court instead of the present method of concurrence with the Chief Justice. At the district level, there is no real administrative set up for the prosecutors. Therefore, with the district Public Prosecutor as the head a mini directorate like unit shall be set up to conduct administration and to guide prosecutors in their prosecution functions.

It is found that for the post of Assistant Public Prosecutor law has not prescribed any law degree and law practice as qualifications. As a result of it, many a lay men from various administrative agencies came to be declared as Assistant Public Prosecutors by the Government. This belittles the criminal justice system. Such of those prosecutors are also not within the supervision of Directorate. They are not conversant with court craft and prosecution fairness principles. It is suggested that law shall be amended prescribing educational qualification and law practice for the post of Assistant Public Prosecutors and every kind of these officers shall be under the control of Directorate. It is believed that such an amendment would bring organisational coherence and infuse quality and uniformity in prosecutions.

It is found that despite heavy workloads, certain prosecutors are entrusted with civil litigation work and in some States criminal prosecutions in some cases are given to Government Pleaders who have no acquaintance with criminal prosecutions. This binary method is practically a disservice to the system. Law shall take steps to dispense with such policies and maintain exclusivity for better services.

There are various kinds of special Public Prosecutors with different procedures for their appointments. It is found that all that became cumbersome and they are found not up to the mark in their talents. These varied procedures shall be dispensed with by amending the law.

It is suggested that the Directorate of Prosecution which is hitherto enjoined with mere office administration shall be endowed with essential prosecution functions such as, power to sanction for prosecution, power to take decisions for withdrawal from prosecution, power to decide whether appeal shall be preferred in appellate courts. The power of recruitment of all categories of prosecutors and the duty to train them shall be with the Directorate. These changes would augur well for quick dispensation of justice.

TESTING OF HYPOTHESES

1. There is inadequate focus of law in India on the role of Public Prosecutor in the Criminal Justice System.
2. Public prosecutor is not empowered by statute to assess the evidential satisfaction to decide the prosecutability of a case. He is not empowered to monitor and control any witness during pre-trial and trial phases and therefore cannot effectively prosecute a case.
3. From the law makers there are no articulated prosecution policies to guide the prosecutors for their commitment.
4. Statute failed to recognise the advisory role of a Public Prosecutor towards police and failed to confer legitimate prosecution discretionary powers and failed to provide any effective role during post guilt process of a criminal case. Law failed to provide any

office building and failed to provide law assistants for a prosecutor. These deficiencies led the prosecutors to passivity and they became indifferent to the cause of justice.

5. Police have no statutory duty to notify the Public Prosecutors about the arrests they affected and the legality of the evidence they collected and there is no automatic file transmissions to prosecutors during bail hearings and there is no process of putting the police reports and final reports to prosecutors before those files are forwarded to court. Police are not producing the witnesses in advance before Public Prosecutors for his trial preparation. There is thus no co-operation and co-ordination between police and Public Prosecutor.

6. A few varieties of prosecutors are not within the supervisory net of Directorate of prosecution. Despite independent status, the Directorate has no power to recruit or appoint prosecutors and it has no mechanism for imparting training to prosecutors. It has no role to play in the no-prosecution, prosecution, withdrawal from prosecution decisions and in passing sanction orders for prosecution and in the matters of appeals, revisions. There is ineffectively structured prosecution organisation and it has no powers and controls on actual conduct of prosecutions.

7. There is mishandling of executive and judiciary in the appointments of part-time prosecutors and there is politicisation of selection process. Part-timers face professional dilemmas and they are not very responsible in discharge of their duties. It is time to do away with part-timers.

8. Absence of proper role, absence of infrastructure, absence of ethical orientation are the root causes for absence of professionalism among the Public Prosecutors.

9. There are no basic training programmes for many kinds of prosecutors. There are no refresher courses for them. For a hard-working prosecutor there are no rewards and for a slack one there are no reprimands.

SUGGESTIONS

1. Statute shall provide for prosecutor's review of arrests made by police and he shall be obliged to appear at remand proceedings.
2. Statute shall provide for automatic case file transmission from police to prosecutor for the purpose of bail hearings.
3. Statute shall vest with Public Prosecutor the discretionary power to decide the evidential sufficiency of cases.
4. On no-prosecution decisions the power shall be vested with the Public Prosecutor with provision for appeal before the Director of prosecution.
5. Statute shall empower the prosecutor during the investigative phase of a case to verify with the witnesses about the honesty of investigation.
6. Law concerning charging standards shall be modified from "reasonable ground of suspicion" to that of "realistic prospect of conviction".
7. It is suggested that the power to select charges for prosecution shall be with the prosecutor.
8. Legal policy shall shift from Police-Magisterial model to Prosecutor-Magisterial model.
9. Statute shall provide for ex-parte criminal case adjudications.

10. Law shall put a set of police personnel under the control of Public Prosecutor for trial preparation and for witness production before courts during trials.

11. Law shall introduce the concept of "equality of arms" making it obligatory for the accused to disclose his line of defence at the earliest point of time in a criminal court enabling the Public Prosecutor to function effectively during prosecution of cases.

12. Public prosecutor shall be empowered to effectively participate in guilty plea cases.

13. On the failure of accused to disclose his line of defence, the law shall empower the prosecutor to make adverse comment against the defence.

14. Code of Criminal Procedure shall be amended giving a definite role for the prosecutors to participate in probation decisions and sentence hearings.

15. Indian Penal Code shall be amended to bring in additional kinds of punishments.

16. Statute shall be suitably amended granting discretion to the Directorate of Prosecution to decide whether an appeal shall be preferred or not against the lower court judgement.

17. There shall be definite articulation about prosecutor's appearance in appeals and revisions and law shall be amended suitably.

18. At post-conviction bails there shall be right of audience for the Public Prosecutor, law shall be suitably amended.

19. Code of Criminal Procedure shall be amended drastically enhancing the sentencing powers of each of the trial courts to award any length of sentence as provided by substantive law.

20. Statute shall be amended to the effect that in compounding the offences there shall be involvement of the prosecutor.

21. Law relating to pardons shall be redrafted granting in clear terms the power to the prosecutor to initiate the proceedings and clarity shall be brought in the procedure about the steps to be taken when the pardoned accused violated the pardon conditions.

22. Statute shall be amended empowering the Public Prosecutor to initiate plea bargains and he shall be empowered for charge bargains.

23. There shall be amendment granting leverage to the court in the length of sentences in plea bargaining cases.

24. Prosecutor shall be allowed to make sentence recommendations in plea bargaining cases.

25. At district levels there shall be a council of prosecutors to garner uniformity in sentencing patterns based on the local needs.

26. Statute shall prohibit private prosecution when the Public Prosecutor withdraws from prosecution.

27. Public prosecutor shall be relieved of his independent burden to justify the concept of public interest in withdrawal decisions and the law on this aspect shall be redrafted.

28. There is need to make a provision in law that on public interest factors a Public Prosecutor shall be permitted to take over any private prosecution at any stage of it.

29. It shall be a norm that private prosecutor shall be precluded from taking over public prosecution except in those cases where there is apparent bias on part of the Public Prosecutor.

30. There is need to dispense with the institution of part-time prosecutors.

31. State shall focus to execute the legislative mandate of creation of a regular cadre of prosecutors.

32. There is need to specify who the client is for Public Prosecutor.

33. There is need to publish a "statement of values" on the ethical standards for prosecutors.

34. There is need to streamline the appointment process of various kinds of prosecutors.

35. Educational qualifications shall be prescribed for assistant Public Prosecutors by amending the statute.

36. There is need to confer powers on the district Public Prosecutor at the district level to make in-charge arrangements in vacant posts and enable him to monitor and advise the prosecution work of all categories of prosecutors in the district.

37. Law shall provide promotional avenues to the prosecutor right up to the level of Director of Prosecution.

38. Directorate of Prosecution shall be revamped conferring on it all the discretionary prosecution powers including the withdrawal, sanction and appeal decisions.

39. Directorate of Prosecution shall be empowered to recruit and train all categories of prosecutors.

40. Statute shall clarify the legal status of Advocate General whether he is a Public Prosecutor or not.

41. All kinds of prosecutors shall be brought within the jurisdiction of Directorate of Prosecution.

42. Law shall provide for creation of office buildings, library, office assistants, law assistants and electronic infrastructure for prosecutors.

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