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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 224/2016 & CM APPL. 15444/2017, CM APPL. 34709/2019, CM APPL. 53062/2019**
DELHI PROSECUTORS WELFARE ASSOCIATION (REGD)

..... Petitioner

Through: Mr. Ashish Dixit, Advocate.
Mr. Krishan Kumar, Mr. Shivam Bedi, Ms. Gargi Singh, Advocates with Mr. Rajesh Kumar and Mr. Kumar Sanjay, APP.

versus

RAJIV MEHRISHI & ANR.

..... Respondents

Through: Mr. Chetan Sharma, ASG with Mr. Anil Soni and Mr. Ajay Dignpal, CGSC and Mr. Amit Gupta, Ms. Swati Kwatra, Mr. Vinay Yadav, Mr. Devvrat Yadav, Mr. Kamal Dignpal, Mr. Vikramaditya Singh and Mr. Ghanshyam Jha, Advocates for UOI. Mr. Anuj Aggarwal, ASC with Mr. Arshya Singh, Mr. Yash Upadhyay and Ms. Ayushi Bansal, Advocates for R-2.
Mr. Gaurav Agrawal and Mr. Manan Daga, Advocates for High Court of Delhi.
Mr. Jamshed Ansari, APP (Intervenor in person).

+ **W.P.(CRL) 1549/2009 & CRL.M.A. 18506/2013, CRL.M.A. 13869/2014, CRL.M.A. 14366/2014, CRL.M.A. 11196/2015, CRL.M.A. 8509/2019, CRL.M.A. 3847/2023, CRL.M.A. 3961/2023**
COURT ON ITS OWN MOTION

..... Petitioner

Through: Mr. Rajeev K. Virmani, Amicus Curiae with Ms. Deveshi Madan and



Ms. Gunjan Soni, Advocates.

versus

STATE

..... Respondent

Through: Mr. Chetan Sharma, ASG with Mr. Anil Soni, Mr. Dev P. Bhardwaj and Mr. Ajay Dignpaul, CGSC and Mr. Amit Gupta, Ms. Swati Kwatra, Mr. Vinay Yadav, Mr. Devvrat Yadav, Mr. Kamal Dignpaul, Mr. Vikramaditya Singh and Mr. Ghanshyam Jha, Advocates for UOI. Mr. Ripu Daman Bhardwaj, SPP with Mr. Kushagra Kumar, Advocate for CBI. Ms. Mehak Nakra, ASC for GNCTD. Mr. Gaurav Agrawal and Mr. Manan Daga, Advocates for High Court of Delhi. Mr. Additya Kapoor, Mr. Kushal Kumar, Mr. Akash Gupta and Ms. Garima Saxena, Advocates for DPWA. Mr. Ashish Dixit, Advocate for DPWA.

+ **W.P.(C) 1091/2013 & CM APPL. 9415/2014, CM APPL. 14231/2015**

GAURAV KUMAR BANSAL

..... Petitioner

Through:

versus

GOVT OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Chetan Sharma, ASG with Mr. Anil Soni and Mr. Ajay Dignpaul,



CGSC and Mr. Amit Gupta, Ms. Swati Kwatra, Mr. Vinay Yadav, Mr. Devvrat Yadav, Mr. Kamal Digpaul, Mr. Vikramaditya Singh and Mr. Ghanshyam Jha, Advocates for UOI. Mr. Gaurav Agrawal and Mr. Manan Daga, Advocates for High Court of Delhi. Ms. Mehak Nakra, ASC for GNCTD. Mr. Ashish Dixit, Advocate for DPWA.

+ **W.P.(C) 2181/2021 & CM APPL. 16356/2022**
DELHI PROSECUTORS WELFARE ASSOCIATION REGD

..... Petitioner
Through: Mr. Ashish Dixit, Advocate for DPWA.
Mr. Additya Kapoor, Mr. Kushal Kumar, Mr. Akash Gupta and Ms. Garima Saxena, Advocates.

versus

GOVERNMENT OF NCT OF DELHI Respondent
Through: Mr. Santosh Kr. Tripathi, Standing Counsel with Mr. Arun Panwar, Mr. Pradhyumn Rao, Mr. Utkarsh Singh, Mr. Kartik Sharma, Ms. Prashansa Sharma and Mr. Rishabh Srivastava, Advocates for GNCTD.
Mr. Chetan Sharma, ASG with Mr. Anil Soni and Mr. Ajay Digpaul, CGSC and Mr. Amit Gupta, Ms. Swati Kwatra, Mr. Vinay Yadav, Mr. Devvrat Yadav, Mr. Kamal Digpaul, Mr. Vikramaditya Singh and Mr. Ghanshyam Jha, Advocates for UOI.



Mr. Gaurav Agrawal and Mr. Manan Daga, Advocates for High Court of Delhi.

Mr. Amar Nath, Advocate for R-2.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
14.09.2023

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1. Mr. Chetan Sharma, learned ASG, has brought to the notice of this Court the letter dated 13th September, 2023 issued by Government of India to the Mr. Anil Soni, learned Central Government Standing Counsel, informing that the matter in respect of revision of pay scales of Assistant Public Prosecutors is under active consideration of Ministry of Home Affairs, Government of India. He has also stated that the Union of India *vide* letter dated 28th August, 2023 has requested the Chief Secretary, GNCTD to provide 'total financial implication' for revision of pay scales of Assistant Public Prosecutors working under the Directorate of Prosecution, GNCTD, as per their proposal.
2. Learned counsel for GNCTD prays for two weeks' time in the matter to respond to Union of India and provide necessary information as requested.
3. Union of India is granted four weeks' time thereafter to take final decision in the matter.
4. It has been brought to the notice of the Court that 60 public prosecutors have been appointed recently, however, alarmingly, no training has been imparted to them.



5. The post of ‘Public Prosecutor’ is an integral part of criminal court system. The Hon’ble Supreme Court has on numerous occasions highlighted the import of the post,¹ specifically highlighting its uniqueness vis-à-vis a counsel for a complainant or another ordinary party to a controversy. A Public Prosecutor is positioned as a representative of the sovereign, whose interest is not to secure a conviction but rather to facilitate the administration of justice, and in doing so must act in a fair and impartial manner, within the framework of the law and independent of undue influence by investigating agencies and the Executive.² Given this distinct role played by Public Prosecutors, it becomes imperative that the appointees are adequately equipped to shoulder the weighty responsibilities the post carries.

6. Mr. Rajeev K. Virmani, learned Amicus Curiae has highlighted lack of training programme for Public Prosecutor. GNCTD is hereby directed to coordinate with the Delhi Judicial Academy to conduct training of the newly recruited public prosecutors. GNCTD shall also file a status report before next date of hearing regarding (i) the implementation of direction regarding training programmes, and (ii) the latest position of vacancies in respect of public prosecutors.

7. Re-notify on 01st November, 2023.

SATISH CHANDRA SHARMA, CJ

SANJEEV NARULA, J

SEPTEMBER 14, 2023/d.negi

¹ The Court in *Deepak Aggarwal v. Keshav Kaushik*, (2013) 5 SCC 277 at paras. 76 to 85 comprehensively summarises the jurisprudence pertaining to the role of the Public Prosecutor.

² As elaborated upon in the Law Commission of India’s 197th Report on Public Prosecutor’s Appointments at Pages 11 to 16.