



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. LXVII]

FRIDAY, APRIL 24, 2026 / VAISHAKHA 4, 1948

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV-A

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made
by the Government of Gujarat under the Central Acts

HOME DEPARTMENT

NOTIFICATION

Sachivalaya, Gandhinagar, 24th April, 2026

BHARATIYA NAGARIK SURAKSHA SANHITA, 2023.

No. GG/40/2026/HD/FOR/e-file/8/2025/1823/L-1:- In exercise of the powers conferred by sub-section (11) of section 20 of the Bharatiya Nagarik Suraksha Sanhita, 2023(46 of 2023), and in supersession of the Government Notification, Home Department No.GG/95/2025/HD/FOR/e-file/8/2025/2454/L-1, dated the 11th June, 2025, the Government of Gujarat, hereby specifies the powers and functions of the Director of Prosecution, Deputy Director of Prosecution and Assistant Director of Prosecution, as follows namely :-

1. Administrative functions :-

- (1) All Public Prosecutors, Additional Public Prosecutors, Special Public Prosecutors who are conducting criminal cases in the High Court, shall be subordinate to the Director of Prosecution.
- (2) Every Public Prosecutor, Additional Public Prosecutor, Special Public Prosecutor and Assistant Public Prosecutor who are conducting criminal cases in the District and Taluka Courts shall be subordinate to the Deputy Director of Prosecution or Assistant Director of Prosecution.
- (3) The Director of Prosecution shall monitor all criminal cases having provision of punishment for ten years or more, or with life imprisonment, or with death and shall ensure expeditious proceedings for the speedy disposal of the cases in the court and shall give an opinion for filing an appeal in the decided cases.
- (4) The Deputy Director of Prosecution shall monitor all criminal cases having provision of seven years of punishment or more but less than ten years and shall ensure the expeditious proceedings for the speedy disposal of the cases in the court.

- (5) The Deputy Director of Prosecution shall be head of the District Directorate of Prosecution and shall be subordinate to the Director of Prosecution.
- (6) The Assistant Director of Prosecution shall monitor all criminal cases having provision of less than seven years punishment and shall take necessary steps to complete the proceedings of the case expeditiously.
- (7) The Assistant Director of Prosecution shall be subordinate to the Deputy Director of Prosecution under the general control of the Director of Prosecution.
- (8) The Director of the Prosecution shall work as the Head of the Department under the administrative control of the Home Department and shall be competent to take disciplinary action against the government servants in Class III Services working under his administrative control.
- (9) The Director of Prosecution shall be empowered to recommend the institution of disciplinary proceedings against Class I and II Officers working under his administrative control for any violation by forwarding the matter to the Home Department.
- (10) The Director of Prosecution shall be competent in the matter of appointment, transfer and promotion of the staff (employees) who are working under the office of the Director of Prosecution, in co-ordination with the Home Department.

2. Organization Structure of Directorate of Prosecution

Sr. No.	Name of the post	Qualification	Age Limit
1	Director of prosecution (Pay as per decided by the Government)	An Advocate who has practiced for not less than fifteen years or a person who has served as Sessions Judge shall be eligible for the appointment of Director of Prosecution.	Minimum 45 years and Maximum 70 years
2	Deputy Director of Prosecution (Pay as per decided by the Government)	An Advocate who has practiced for not less than fifteen years or a person who has served as Sessions Judge shall be eligible for the appointment of Deputy Director of Prosecution.	Minimum 45 years and Maximum 70 years
3	Assistant Director of Prosecution (Pay as per decided by the Government)	An Advocate who has practiced for not less than seven years or a person who has served as Judicial Magistrate First Class shall be eligible for the appointment of Assistant Director of Prosecution.	As per Recruitment Rules.
4	Public Prosecutors in High Court and Sessions Courts of all District in the State.	As per Prosecuting Officers (Appointment and Conditions of Service) and Conduct of Legal Affairs of the Government Rules, 2026	As per Prosecuting Officers (Appointment and Conditions of Service) and Conduct of Legal Affairs of the Government Rules, 2026
5	Additional Public Prosecutor in High Court and Sessions Courts of all District in the State.	As per Prosecuting Officers(Appointment and Conditions of Service) and Conduct of Legal Affairs of the Government Rules, 2026	As per Prosecuting Officers(Appointment and Conditions of Service) and Conduct of Legal Affairs of the Government Rules, 2026
6	Special Public Prosecutor in High Court and Sessions Courts of all District in the State.	As per Prosecuting Officers(Appointment and Conditions of Service) and Conduct of Legal Affairs of the Government Rules, 2026	As per Prosecuting Officers(Appointment and Conditions of Service) and Conduct of Legal Affairs of the Government Rules, 2026
7	Assistant Public Prosecutor	As per Recruitment Rules	As per Recruitment Rules

3. Powers and Functions of Director of Prosecution :-

- (1) The Director of Prosecution shall have the power to deal with and be responsible for all proceedings under the Bharatiya Nagarik Suraksha Sanhita, 2023, and shall be primarily responsible for ensuring responsible prosecution of criminal cases instituted by the Government before all criminal courts of the State.
- (2) The Director of Prosecution shall monitor, inspect, pay surprise visits, supervise, allot the work, and give necessary directions to subordinates.
- (3) The Director of Prosecution shall advise, instruct, and direct in the criminal matters to all prosecuting officers during trial and all investigating officers during investigation.
- (4) The Director of Prosecution shall co-ordinate between Prosecuting officers and Investigating officers.
- (5) The Director of Prosecution may seek necessary co-operation and co-ordination from the Departments of State Government like Police Department, Excise Department, Forest Department, Weights and Measures Department, Forensic Science Laboratory, Department of Food and Drugs, Industries & Mines Department, Energy and Petrochemicals Department, etc. for the smooth conduct of the criminal proceedings.
- (6) The Director of Prosecution shall identify and address the gaps in investigation and prosecution and ensure compliance with legal and procedural requirements in the prosecution of crimes in the State.
- (7) The Director of Prosecution shall have the authority to initiate disciplinary proceedings against an Assistant Public Prosecutor, Class-II, according to the Gujarat Civil Services (Discipline and Appeal) Rules, 1971, for any violation by forwarding the matter to the Home Department.
- (8) The Director of Prosecution shall periodically evaluate the performance of the Public Prosecutor / Additional Public Prosecutor / Special Public Prosecutor appearing before the High Court, and the Public Prosecutor / Additional Public Prosecutor / Special Public Prosecutor / Assistant Public Prosecutor appearing before the Criminal Courts in Districts and send a periodical report along with recommendations to the State Government evaluating the efficiency and quality of work of the prosecutors.
- (9) The Director of Prosecution shall arrange training programs and take necessary measures for enhancing the quality of prosecution in the State for all prosecuting officers, investigating officers, executive magistrates and medical officers.
- (10) The Director of Prosecution shall receive the proposals for criminal appeals to be presented before the High Court through the Public Prosecutor and after examination, forward the same to the State Government with his opinion for the filing of appeal.
- (11) The Director of Prosecution shall ensure that the criminal appeals and revision petitions presented on behalf of the State Government before the High Court of the state shall be filed within the prescribed time limit and ensure the appearance of the Public Prosecutor / Additional Public Prosecutor / Special Public Prosecutor in such proceedings.
- (12) The Director of Prosecution shall ensure the improvement of the efficiency of the prosecutors appearing on behalf of the State in the High Court of the State and maintain the quality of prosecution work.
- (13) The Director of Prosecution shall evaluate the workload of the prosecutors and submit a report to the State Government, for the strengthening the organizational and internal resources for smooth functioning.
- (14) The Director of Prosecution shall appoint any of his subordinate officers with the prior permission of the State Government to coordinate with the Solicitor General / Additional Solicitor General / Advocate General / Additional Advocate General, in serious criminal cases pending before the High Court and Supreme Court.
- (15) The Director of Prosecution shall issue charge sheet verification certificate (CVC) to the investigating agency before filing the charge sheet in the sessions triable criminal cases and criminal cases under the special acts or may delegate the said power to the subordinate officers in this regards.
- (16) The Director of Prosecution shall have the authority to initiate legal actions against the Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor in High Court and Districts for any misconduct, by forwarding the matter to the Home Department.

- (17) In the capacity of the Head of the Department, The Director of Prosecution shall exercise all the administrative and financial powers provided to the Head of the Department by the State Government.
- (18) The Director of Prosecution shall ensure adherence to substantive and procedural law during investigation, inquiry, trial, and rectify any deficiencies that may compromise justice.
- (19) The Director of Prosecution shall ensure the presence, appearance, and effective performance of all prosecuting officers before the Courts and issue standing orders or written directions as may be necessary to secure their punctual attendance and to guarantee effective representation of the State in all proceedings.

4. Powers and Functions of Deputy Director of Prosecution :-

- (1) The Deputy Director of Prosecution shall supervise, examine and verify the police report in the cases in which the offences are punishable for seven years or more, but less than ten years and if necessary, order further investigation to the police officer.
- (2) The Deputy Director of Prosecution shall monitor cases and ensure expeditious disposal of criminal cases where the offences are punishable with imprisonment of seven years or more, but less than ten years.
- (3) The Deputy Director of Prosecution shall be primarily responsible for ensuring responsible prosecution in the criminal cases instituted by the Government before the Criminal Courts of the district.
- (4) The Deputy Director of Prosecution shall ensure appearance of the Public Prosecutor / Additional Public Prosecutor / Special Public Prosecutor / Assistant Public Prosecutor before the Criminal Courts of the District.
- (5) The Deputy Director of Prosecution shall periodically evaluate the performance of the Public Prosecutor / Additional Public Prosecutor / Special Public Prosecutor / Assistant Public Prosecutor appearing before the Criminal Courts of the district and shall send a periodical report evaluating the efficiency of the prosecutors to the Director of Prosecution.
- (6) The Deputy Director of Prosecution shall ensure the progress and speedy trial of criminal cases pending before the Criminal Courts of the district.
- (7) The Deputy Director of Prosecution shall ensure that the criminal appeals and revision petitions presented on behalf of the State Government before the District Criminal Court shall be filed within the prescribed time limit by District Public Prosecutor and ensure the appearance of Public Prosecutor / Additional Public Prosecutor / Special Public Prosecutor / Assistant Public Prosecutor in such proceedings.
- (8) The Deputy Director of Prosecution shall ensure the improvement of the efficiency of the prosecutors appearing on behalf of the State in the Criminal Courts of respective district and maintain the quality of prosecution work.

5. Powers and Functions of Assistant Director of Prosecution :-

- (1) The Assistant Director of Prosecution shall be responsible for ensuring prosecution in criminal cases instituted by the Government before the Magistrate Courts of the district.
- (2) The Assistant Director of Prosecution shall ensure responsible prosecution and speedy trial of criminal cases where the offence is punishable with imprisonment less than seven years.
- (3) The Assistant Director of Prosecution shall assist the Deputy Director of Prosecution in examination and scrutiny of police reports and give advice or observation on legal issues arising in such criminal proceedings referred to him by the Deputy Director of Prosecution.

6. The Government shall have powers to relax and to add any of the provisions of these rules, as the facts as circumstances may require.

By order and in the name of the Governor of Gujarat,

AMRUT PATEL,

Deputy Secretary to Government.

