

**HARYANA GOVERNMENT
HOME DEPARTMENT**

ORDER

In compliance of the directions dated 09.01.2014 passed by the Hon'ble Supreme Court of India in case Criminal Appeal No. 1485 of 2008 titled as 'State of Gujarat Vs. Kishanbhai Etc., a Committee is hereby constituted consisting of the following:-

- | | | |
|----|---|-------------|
| 1. | Additional Director General of Police, Crime. | Chairperson |
| 2. | Director of Prosecution, Haryana. | Member |
| 3. | Concerned District Attorney. | Member |

The committee should examine all orders of acquittal and to record reasons for failure of each prosecution case. The consideration at the hands of the Committee shall be utilized for crystallizing mistakes committed during investigation, and/or prosecution, or both. The Committee shall recommend the training programmes for junior investigation/prosecution officials and shall incorporate its analysis and relevant judgments of glaring lapses in investigation/prosecution of cases in such training programmes. The Committee shall submit its report alongwith recommendations for taking action against erring investigating/prosecuting officials/officers.

Dated Chandigarh the,
10th March, 2014

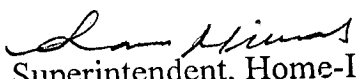
(P.K. Gupta)
Additional Chief Secretary to Government,
Haryana, Home Department.

Endst. No. 2/6^c/2014-1HG-IV

Dated: 10.03.2014

A copy is forwarded to the following for information and necessary action:-

1. Director General of Police, Haryana with the request that a mechanism for conducting training programmes for junior investigation/prosecution officials may be put in place in compliance of the directions of the Hon'ble Supreme Court in case Criminal Appeal No. 1485 of 2008 titled as 'State of Gujarat Vs. Kishanbhai Etc.
2. ADGP, Crime, Haryana.
3. Director Prosecution, Haryana, Panchkula.
4. All the concerned District Attorneys in Haryana.


Superintendent, Home-IV,
for Additional Chief Secretary to Government,
Haryana, Home Department. *STW*

(To be substituted with same number and date)

**HARYANA GOVERNMENT
HOME DEPARTMENT**

ORDER

In compliance of the directions dated 09.01.2014 passed by the Hon'ble Supreme Court of India in case Criminal Appeal No. 1485 of 2008 titled as 'State of Gujarat Vs. Kishanbhai Etc.', a Committee headed by the concerned District Magistrate and consisting of concerned Superintendent of Police and District Attorney as Members at each District and a Committee headed by Director General of Police, Crime and Director Prosecution as Member at State level is hereby constituted.

The District Committees shall:

- i) examine all orders of acquittal and to record reasons for failure of each prosecution case. The consideration at the hands of the District Committees shall be utilized for crystallizing mistakes committed during investigation, and/or prosecution, or both and beside other aspects, the District Committees shall examine the mistakes/lapses in:-
 - i) entry in Station Diary;
 - ii) carrying out proper investigation;
 - iii) unnecessary or false implication of accused;
 - iv) conducting identification parade, if required;
 - v) preparation of sketch maps;
 - vi) recording of Statements;
 - vii) medical examination of accused;
 - viii) scientific investigation;
 - ix) timely submission of challan;
 - x) proper checking of challan and rectification short comings;
 - xi) true and faithful utilization of evidence;
 - xii) production of material witnesses;
 - xiii) corroboratory evidence;
 - xiv) proving medical reports;
 - xv) examination of medical witnesses;
 - xvi) withholding of material or corroborative evidence;

- xvii) other aspects resulting failure of prosecution case;
- ii) shall submit their reports alongwith their findings to the State Committee.
- The State Committee shall:
- i) consider the reports of the District Committees and shall record its finding in each case, whether the lapse was innocent or blameworthy;
 - ii) ensure that the erring officials/officers identified as responsible for failure of prosecution case, on account of sheer negligence or because of culpable lapses, must suffer departmental action;
 - iii) make its recommendations for taking action against erring investigating/prosecuting officials/officers;
 - iv) ensure to provide training programmes for junior investigation/prosecution officials and incorporation of its analysis and relevant judgments of glaring lapses in investigation/prosecution of cases in such training programmes;
 - v) ensure to include the judgments like the one in hand (depicting more than 10 glaring lapses in investigation/prosecution of the case) and other similar judgments as course-content of refresher training programmes for Senior Investigating/Prosecuting officials.
 - vi) review the course-content annually, on the basis of fresh inputs, emerging scientific tools of investigation, judgments of Courts, and on the basis of experiences gained by the Committee while examining failures, in unsuccessful prosecution of cases.
 - vii) ensure that the training programme be put in place immediately.
 - viii) submit periodical reports to the Government about the action taken in the serious cases resulting failure in prosecution of such cases.

Dated Chandigarh the,
10th March, 2014

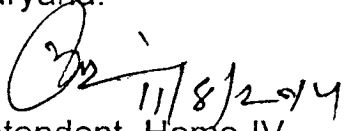
(Hardeep Kumar)
Additional Chief Secretary to Government,
Haryana, Home Department.

Endst. No. 2/60/2014-1HG-IV

Dated: 11.08.2014

A copy is forwarded to the following for information and necessary action:-

1. Director General of Police, Haryana.
2. DGP, Crime, Haryana.
3. Director Prosecution, Haryana, Panchkula.
4. All the District Magistrates in Haryana.
5. All the Superintendent of Police in Haryana.
6. All the concerned District Attorneys in Haryana.


11/8/2014
Superintendent, Home-IV,
for Additional Chief Secretary to Government,
Haryana, Home Department.

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No.12/253/2015-4 HG IV

From

The Additional Chief Secretary to Government,
Haryana, Home Department.

To

1. The Advocate General, Haryana.
2. The Director General of Police, Haryana.
3. The Director General of Prisons, Haryana.
4. All the District Magistrates in Haryana.
5. All the Commissioners of Police/Superintendents of Police in Haryana.
6. All the Superintendents of Jails in Haryana.
7. The Additional Director of Prosecution, Legal Cell, Haryana Bhawan, Copernicus Marg, New Delhi.

Dated the, 11.09.2015

Subject:- Setting up of a mechanism so as to ensure proper representation and assistance from the State Government, while conducting/defending the criminal cases pending before the Hon'ble Supreme Court of India on behalf of Government.

I am directed to invite your attention to the subject noted above and to say that during the course of hearing of Civil Appeal No, 2054 of 2009-State of Haryana Vs. Vinod Kumar & anr., the Hon'ble Supreme Court of India observed that the Court is not receiving any assistance from the State of Haryana in this case and such lack of assistance from the State of Haryana has been felt in other cases also. The Government have taken it seriously and in order to evolved a mechanism so as to ensure proper representation and assistance from the State Government, while conducting/defending the criminal cases pending before the Hon'ble Supreme Court of India on behalf of Government, it has been decided to issue the following directions:-

Law Officers/Advocate on Record:

- i) As and when a case is assigned to the Law Officer/Advocate on Record, he shall immediately informed the Legal Cell, Haryana Bhawan, New Delhi and the concerned District Magistrate, Superintendent of Police and the Station House Officer of the concerned Police Station about the details of the case including FIR No. and date alongwith his e-mail address and telephone number etc.
- ii) It shall be the responsibility of the Law Officer/Advocate on record to be present during the course of hearing of the case assigned to him to ensure proper representation on behalf the State Government.
- iii) The Law Officer/Advocate on Record shall also inform the concerned officers about the proceedings of the case including the requirement of action taken or furnishing of report/information, if any, if so directed during the course of hearing.
- iv) It shall be the responsibility of the concerned Law Officer/Advocate on Record to ensure filing of information/report/clarification as and when

sought during the course of hearing well in time in coordination with the concerned Police Authorities.

- v) In case the requisite information/report/clarification is not received well in time, the concerned Law Officer/Advocate on Record shall be brought to the notice of the higher authorities including Head of the Department and Legal Cell, Haryana about the same.
- vi) The Head of the Department and Legal Cell, Haryana shall ensure filing of such information/report/clarification in consultation with the concerned Law Officer/Advocate on record.

Legal Cell, Haryana Bhawan, New Delhi:

- i) On receipt of notice/brief of case, Legal Cell, Haryana Bhawan, New Delhi shall immediately get the same assigned to the Law Officer/Advocate on record and shall supply the copy of the relevant document to such Law officer/Advocate on record.
- ii) The Legal Cell, Haryana Bhawan, New Delhi shall maintain the list of all cases alongwith the names of the Law Officer/Advocate on record to whom such cases have been assigned.
- iii) The e-mail address and telephone number of the Legal Cell shall be provided to the concerned Law Officers/Advocates on record.
- iv) It shall be the responsibility of the Legal Cell to watch the proceedings of the cases and to seek the outcome of such proceedings from the concerned Law Officer/Advocate on record on day to day basis.
- v) In case any information/report/clarification is sought during the course of hearing, the Legal Cell shall forthwith inform the concerned officer about the same and shall coordinate in submission of such information/report/clarification well in time.

Police Authorities/Offices:

- i) A list of the cases including the details of number and name, FIR No., Police Station and the next date of hearing etc. shall be maintained in the office of concerned Superintendent of Police.
- ii) Periodic reports alongwith the action taken, if any, with the aforesaid detail shall be sent to the Government.
- iii) As and when a case is filed by the concerned Department/Office or any notice in any case is received, the concerned officer of the Department/office shall immediately provide the relevant documents alongwith e-mail address and telephone number to the dealing law officer/advocate on record.
- iv) All the Superintendents of Police shall appoint a Nodal Officer to coordinate with the dealing Law Officers/Advocate on record and the Legal Cell, Haryana in order to ensure timely submission of response and providing assistance in the cases on behalf of the State.
- v) In case any information/report/clarification is sought during the course of hearing, it shall be responsibility of the concerned officer to furnish the

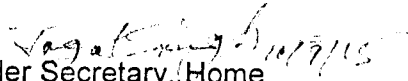
same well in time in coordination with the dealing Law Officer/Advocate on record and the Legal Cell, Haryana Bhawan, New Delhi.

Prisons Department:

- i) As and when a convict is released from the jail/prison, the concerned Superintendent of Jail shall sent an intimation to this effect to the concerned District Magistrate, Superintendent of Police and the Station House Officer of the Police Station where the FIR was registered against such convict.
- ii) While releasing the convict, the Superintendent of Jail shall obtain the information about the place where such convict intends to reside/settled on release from the Jail and a record shall be maintained in this behalf.
- iii) An information about the release of convict shall also be sent to the concerned District Magistrate having jurisdiction of the residential address of the convict.
- iv) In case, any convict is transfer from the Jail where he was lodged upon his conviction to any other Jail, the Superintendent of Jail shall sent an intimation to this effect to the concerned District Magistrate, Superintendent of Police and the Station House Officer of the Police Station where the FIR was registered against such convict.

Office of Advocate General, Haryana:

- i) A special cell shall be constituted in the office of Advocate General, Haryana for monitoring of the cases pending in the Hon'ble Supreme Court so as to cross check the proceedings of the cases on day to day basis and to ensure the proper representation and assistance in the cases pending before the Hon'ble Supreme Court pertaining to the State of Haryana.
2. The above instructions be brought to the notice of all the concerned for strict compliance. Any lapse on the part of concerned officer/official would be viewed seriously thereby, initiation of disciplinary proceedings against the erring person.
3. Any lapse on the part of the Law Officers/Advocates on record shall be viewed seriously and action including their dis-engagement would be taken against them.


Under Secretary, Home
for Additional Chief Secretary to Government,
Haryana, Home Department.