

Directorate of Prosecution Under Section 20 Bnss, 2023 - A Dead Letter or A Game Changer: A Critical Comparative Analysis of the Punjab, Haryana and Delhi Models

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Abstract

Section 20 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) substantially reworks the statutory architecture of the Directorate of Prosecution inherited from section 25A of the Code of Criminal Procedure, 1973. The provision contemplates a State Directorate, a District Directorate in every district, enhanced eligibility standards for senior prosecutorial administrators, a formal hierarchy, and differentiated supervisory responsibilities based on the seriousness of offences. It also places the Directorate under the administrative control of the State Home Department. The provision, therefore, presents a constitutional and administrative paradox: it seeks to professionalise prosecution while leaving its institutional administration within the executive chain of government. This paper examines whether section 20 is capable of producing a genuine transformation in criminal justice administration or whether it risks becoming a paper reform. It adopts a doctrinal, comparative and implementation-oriented methodology, focusing on Punjab, Haryana and Delhi. The paper argues that section 20 is best understood as an enabling institutional framework rather than a self-executing reform. Its success will depend on four conditions: functional prosecutorial independence, timely staffing, effective district-level supervision, and measurable accountability. The comparative evidence suggests that Haryana offers institutional depth, Punjab offers a significant legacy administrative structure that can be adapted, and Delhi offers the clearest case study of implementation failure followed by corrective institutional action. The paper concludes that section 20 can become a game changer only if States treat prosecution as a professional public institution rather than merely another administrative wing of the Home Department.

Keywords: Directorate of Prosecution; Deputy Director of Prosecution, Assistant Director of Prosecution, Public Prosecutor; prosecutorial independence; Punjab; Haryana; Delhi; criminal justice administration.

INTRODUCTION:

Criminal justice reform is often evaluated through the visible institutions of policing and adjudication: the police investigate, courts decide, and prisons execute sentences. The prosecution service occupies the crucial middle ground between investigation and adjudication, yet its institutional design has historically received less sustained attention. The prosecutor is expected to be both an advocate for the State and an officer of justice; he or she must test the investigation, present admissible evidence, protect the integrity of the trial, and assist the court without becoming an instrument of the investigating agency.

The institutional structure within which prosecutors work therefore has direct implications for fair trial, efficiency and public confidence. The BNSS, which replaced the Code of Criminal Procedure, 1973 with effect from 1 July 2024, seeks to modernise criminal procedure. Within that framework, section 20 is particularly important because it moves beyond the existence of individual Public Prosecutors and attempts to construct an organised prosecution administration. The official implementation material issued by the Bureau of Police Research and Development identifies the establishment of State and District Directorates, revised eligibility criteria, and specified supervisory functions as significant changes introduced by section 20. The central research question is therefore not simply what section 20 says. The more important question is whether the institutional arrangements created under it can alter the day-to-day quality of criminal prosecution. A statutory Directorate can monitor cases, scrutinise police reports and advise on appeals only if competent officers are appointed, if responsibilities are clearly distributed, and if prosecutors are sufficiently independent to exercise professional judgment. Conversely, a Directorate whose senior posts remain vacant, whose district hierarchy is nominal, or whose decisions are excessively dependent on executive direction may exist in law without producing meaningful reform. This paper uses the title “A Dead Letter or a Game Changer?” deliberately. The phrase captures the tension between legislative ambition and administrative reality. Section 20 has the ingredients of a significant reform, but legislation alone cannot produce institutional capacity. The comparative experience of Punjab, Haryana and Delhi is particularly useful because the three jurisdictions represent different stages and models of prosecution administration.

Objectives of the Study:

- To analyse the statutory scheme of section 20 BNSS and identify its principal departures from section 25A CrPC.
- To examine the relationship between prosecutorial administration, executive control and professional independence.
- To compare the prosecution structures and implementation experience of Punjab, Haryana and Delhi.
- To identify the principal institutional obstacles to effective implementation of section 20.
- To propose a workable model for district-level prosecution administration and accountability.

STATUTORY FRAMEWORK: SECTION 20 BNSS

Section 20 is located in Chapter II of the BNSS dealing with the constitution of criminal courts and offices. It corresponds broadly to section 25A of the CrPC, but its text is more detailed. Section 20(1) authorises the State Government to establish a State Directorate consisting of a Director and such Deputy Directors as it considers necessary, and a District Directorate in every district consisting of such Deputy Directors and Assistant Directors as it considers necessary. The use of the word “may” in section 20(1) deserves attention. The provision establishes a statutory framework while leaving the immediate act of institutional establishment to the State Government. This creates an implementation question: if a State already has a prosecution establishment under a different nomenclature, must it create an entirely new Directorate, or may it adapt the existing institution? A purposive reading supports adaptation where the existing institution can discharge the statutory functions, but the State must still ensure that the hierarchy, qualifications and responsibilities required by section 20 are meaningfully satisfied.

Eligibility and Professional Seniority:

Section 20(2) raises the professional threshold. A Director or Deputy Director must have practised as an advocate for at least fifteen years or must be or have been a Sessions Judge. An Assistant Director must

has practised for at least seven years or must have been a Magistrate of the first class. The change reflects an assumption that supervisory prosecution requires substantial courtroom and judicial experience. The qualifications are important, but they should not be mistaken for a complete competency framework. Contemporary prosecution involves forensic science, electronic evidence, cybercrime, financial investigation, victim and witness coordination, disclosure obligations, appellate strategy and case-flow management. The ideal Directorate officer therefore needs both legal experience and institutional-management skills. States should supplement section 20 eligibility with structured induction and continuing professional education.

Administrative Control and the Independence Problem:

Section 20(3) provides that the Directorate is headed by the Director of Prosecution, who functions under the administrative control of the Home Department. This is not an entirely new idea: Haryana's official prosecution material records a similar arrangement under section 25-A CrPC. Nevertheless, the provision raises a fundamental distinction between administrative control and professional prosecutorial judgment. Administrative control may legitimately encompass establishment, budgets, service conditions, infrastructure and broad policy. It becomes problematic if it is interpreted to permit political or departmental direction over individual decisions to prosecute, withdraw, appeal or conduct a particular case. The constitutional value of a fair criminal process requires a prosecutor to exercise professional judgment rather than act as an unquestioning representative of the investigating agency or political executive.

Hierarchical Subordination:

Section 20(4) places Deputy and Assistant Directors under the Director and Assistant Directors under Deputy Directors. Section 20(5) places State-appointed Public Prosecutors, Additional Public Prosecutors and Special Public Prosecutors conducting High Court cases under the Director. Section 20(6) makes district-level Public Prosecutors and Assistant Public Prosecutors subordinate to the Deputy or Assistant Director. The result is a formal chain of responsibility that was less clearly expressed in the older provision.

Differentiated Case Monitoring:

Section 20(7) assigns the Director responsibility to monitor cases involving offences punishable with ten years or more, life imprisonment or death, to expedite proceedings and to give opinions on filing appeals. Section 20(8) assigns the Deputy Director responsibility to scrutinise police reports and monitor offences punishable with seven years or more but less than ten years. Section 20(9) assigns the Assistant Director responsibility for offences punishable with less than seven years. This offence-severity model is one of the provision's most promising innovations. It permits scarce senior prosecutorial attention to be directed towards serious cases while retaining supervisory coverage for the wider docket. However, section 20(10) prevents the allocation from becoming an inflexible jurisdictional barrier: the Director, Deputy Director or Assistant Director remains empowered to deal with and be responsible for all proceedings under the BNSS.

Delegated State Functions:

Section 20(11) leaves additional powers and the territorial areas assigned to Deputy and Assistant Directors to State Government notification. This creates flexibility but also means that a significant portion of the operational architecture is decentralised to executive rule-making. BPR&D's implementation table specifically identifies section 20(11) as a provision for which States and Union Territories may need to issue or update notifications. The quality of implementation will therefore vary unless States adopt broadly comparable minimum standards.

PROSECUTION UNDER THE CRPC: THE POINT OF DEPARTURE: -

Section 25A of the CrPC provided for a Directorate of Prosecution headed by a Director and placed under the administrative control of the Home Department. It also permitted the State Government to establish a Directorate in each district. The principal difference is that section 25A left many of the detailed functions of the Director and Deputy Directors to be specified by the State Government. Section 20 BNSS, by contrast, statutorily identifies core supervisory functions based on the seriousness of offences. The official BNSS presentation issued through Press Information Bureau highlights these additions as significant changes. The shift is therefore from a comparatively skeletal institutional provision to a more functionally specified model. That is a genuine legislative improvement. Yet it also creates a more demanding implementation burden: once Parliament specifies a hierarchy and supervisory duties, States must provide the personnel, rules, reporting systems and institutional arrangements necessary to make those duties real.

HARYANA MODEL: INSTITUTIONAL CONTINUITY AND PROFESSIONAL SEPARATION:

Haryana is the strongest historical comparator because its prosecution agency has a long institutional history of separation from the police. The official Haryana Prosecution Department records that, following separation of the prosecution agency from the Police Department, the Government decided in January 1975 that the Director of Prosecution would head both civil and criminal litigation and that District Attorneys, Deputy District Attorneys, Assistant District Attorneys and related legal staff would remain under the Director's control. A departmental administrative report records that the Directorate of Prosecution came into existence with effect from 1 April 1974 following separation from police control. The significance of this history is greater than nomenclature. Separation of prosecution from police can create an institutional checkpoint between investigation and adjudication. The investigator gathers evidence and prepares the police report; the prosecutor should independently assess legal sufficiency, admissibility, charges, witness issues and trial strategy. A separate professional hierarchy makes that review structurally easier than a system in which prosecutorial officers remain embedded in the police command.

Existing Management Infrastructure:

Haryana's official material also records the use of criminal diaries, separate reporting formats for Sessions and lower courts, and Master Criminal Registers intended to improve record maintenance and efficiency. These administrative devices are relevant to section 20 because the new provision's monitoring duties require information systems capable of identifying delay, case status and responsibility. A Directorate cannot “monitor” thousands of prosecutions effectively through informal communication alone.

Alignment with BNSS:

In December 2025, reporting on Haryana Government action stated that the State Cabinet approved amendments to the Haryana State Prosecution Department Legal Service (Group A) Rules, 2013 to align the prosecution cadre with BNSS requirements. The reported reform included sanction of 48 new posts- 24 Deputy Directors and 24 Assistant Directors-and amendments concerning recruitment, eligibility and experience. This suggests that Haryana's approach has been one of institutional adaptation rather than creation from scratch. The Haryana model therefore represents a “continuity model”: the statutory reform is layered onto a prosecution institution that already possesses a separate administrative identity, district-level officers and experience in case monitoring. Its principal challenge is not institutional existence but

ensuring that legacy arrangements are substantively aligned with the new statutory roles and qualification requirements.

Critical Evaluation:

- Strength: long-standing separation of prosecution from police administration.
- Strength: established Director, Additional Director, Deputy Director, Assistant Director, District Attorney, Deputy District Attorney, and Assistant District Attorney hierarchy.
- Strength: experience with case records and prosecution monitoring.
- Risk: legacy structures may carry functions that are broader than the specialised supervisory model contemplated by section 20.
- Risk: promotion and recruitment arrangements must be demonstrably consistent with the statutory eligibility requirements of section 20(2).

Haryana, therefore, shows that institutional maturity can dramatically reduce the risk of section 20 becoming a paper reform. But continuity should not become complacency: an older institution must still test itself against the new statutory text.

PUNJAB MODEL: LEGACY PROSECUTION STRUCTURE AND TRANSITION:

Punjab presents a different but equally important model. The Punjab Government's published Business Rules allocate to the Home Affairs and Justice framework matters concerning the appointment, posting, transfers and other service matters of Public Prosecutors, Special Public Prosecutors, District Attorneys, Deputy District Attorneys and Assistant District Attorneys, as well as the Directorate of Prosecution and Litigation. [10] This demonstrates that Punjab possesses a longstanding prosecution-and-litigation administrative structure rather than a prosecution service being created only after the BNSS. Punjab's institutional vocabulary also differs from the bare terminology of section 20. The State's prosecution structure has historically used designations such as District Attorney, Deputy District Attorney and Assistant District Attorney. The Punjab Prosecution and Litigation (Group A) Service framework and government recruitment material show that prosecution officers form part of a recognised service structure. The practical question after 1 July 2024 is therefore how these established posts and reporting relationships are mapped onto Director, Deputy Director and Assistant Director functions under section 20.

The Punjab Problem Is One of Functional Alignment:

The most important analytical distinction is between “having a prosecution department” and “having a section 20 Directorate.” A pre-existing Directorate may satisfy the purpose of the statute if it actually performs the statutory functions, but a mere continuation of old designations without the new supervisory allocation would not realise Parliament's institutional objective. Punjab's established system may provide several advantages: an experienced cadre, district-level institutional presence, administrative familiarity with criminal courts and an existing mechanism for appointing and supervising prosecutors. At the same time, the broader combination of prosecution and litigation functions can complicate the creation of a specialised prosecution-management structure. The Directorate must have sufficient capacity to monitor criminal trials, scrutinise police reports, coordinate appeals and address delay without being overwhelmed by unrelated civil litigation responsibilities.

Recruitment and Professional Identity:

Punjab's official recruitment material for government law officers recognises the Punjab Prosecution and Litigation (Group A) Service and provides that a proportion of law-officer posts may be filled from officers

serving in that prosecution service at the District Attorney level or above. This illustrates an important feature of the Punjab model: prosecution is treated as a professional career stream that can feed into broader government legal work. For BNSS purposes, however, the State should ensure that movement between prosecution administration and general government law work does not dilute the professional identity or independence of the criminal prosecution service.

Critical Evaluation:

- Strength: established prosecution and litigation department with a recognised service cadre.
- Strength: existing District Attorney and subordinate-officer structure provides a foundation for district-level supervision.
- Risk: broad litigation responsibilities may compete with the intensive monitoring functions prescribed by section 20.
- Risk: legacy designations and promotion pathways must be clearly reconciled with the statutory Director/Deputy Director/Assistant Director hierarchy.
- Opportunity: Punjab can use its existing institutional depth to implement digital case monitoring and specialised prosecution units without building an entirely new bureaucracy.

DELHI MODEL: THE IMPLEMENTATION-GAP CASE STUDY :-

Delhi is the clearest illustration of the difference between legislative design and institutional execution. In an order dated 22 December 2025, the Delhi High Court recorded that, pursuant to the BNSS requirement, cadre restructuring had been undertaken on 25 November 2024 and new posts of Deputy Director and Assistant Director were created in addition to the Director of Prosecution. Yet the recruitment rules for these posts had not been finalised, and none of the three senior Directorate posts had been filled. The Court stated that prosecution in the State was suffering at large and directed that the recruitment rules be finalised within ten weeks. The judicial criticism is significant because it identifies the implementation gap as a systemic criminal justice problem rather than a routine personnel matter. Section 20 assigns supervisory responsibility to senior officers. If those posts are vacant, the statutory chain of supervision is weakened at the very point where it is supposed to monitor serious cases, scrutinise police reports and coordinate prosecution administration.

Subsequent Movement in 2026:

The position did not remain static. The Directorate of Prosecution's official Delhi website now lists a "Draft Recruitment Rules for the post of Director of Prosecution, Deputy Director of Prosecution and Assistant Director of Prosecution" dated 28 March 2026. [3] In an order dated 15 April 2026, the Delhi High Court recorded that the recruitment rules for Public Prosecutor, Additional Public Prosecutor and Assistant Public Prosecutor had been published on 19 December 2025, 19 January 2026 and 2 April 2026 respectively, while draft rules for the three senior Directorate posts had been published for objections and suggestions. This sequence is instructive. It shows that judicial oversight can accelerate administrative implementation, but it also reveals how slowly a statutory structure can become operational. Legislation came into force in July 2024; cadre restructuring occurred in November 2024; serious judicial concern was expressed in December 2025; and the draft senior Directorate rules appeared in March 2026. The gap between legal commencement and institutional staffing is therefore itself an important measure of implementation quality.

Delhi's Functional Specification:

Delhi's administrative materials are also valuable because they illustrate the effort to translate section 20's offence-based allocation into operational rules. The State's official prosecution website maintains recruitment rules and orders, demonstrating an attempt to move from statutory text to a functioning administrative framework. The lesson is that section 20 cannot be implemented merely by changing a designation on an organisational chart; it requires recruitment rules, sanctioned posts, appointment procedures, reporting relationships and operational instructions.

Critical Evaluation:

- Strength: clear recognition of the need to restructure the cadre around section 20.
- Strength: continuing publication of recruitment rules and administrative orders.
- Weakness: prolonged vacancy of senior Directorate posts after statutory commencement.
- Weakness: judicial intervention became necessary to accelerate recruitment-rule finalisation.
- Lesson: institutional reform must be treated as an implementation programme with deadlines, not as a sequence of indefinite administrative files.

COMPARATIVE ANALYSIS: PUNJAB, HARYANA AND DELHI -

The comparison demonstrates that there is no single “model” that can simply be transplanted across jurisdictions. Haryana's strength is institutional maturity; Punjab's is an existing service framework capable of adaptation; Delhi's experience shows the importance of detailed rules and judicial accountability. The best BNSS model would combine these strengths: Haryana's separation and continuity, Punjab's service-cadre depth, and Delhi's willingness to translate statutory requirements into specific recruitment and administrative rules.

The Independence Dimension:

All three models raise the same constitutional question: can a prosecution service be professionally independent while remaining administratively controlled by the executive? Section 20 itself answers only part of the question. It expressly places the Director under the Home Department. The solution is therefore not necessarily removal of all executive oversight. Rather, the law and State rules should distinguish between institutional administration and individual prosecutorial decisions. A Director should be accountable for budgets, staffing and performance, but should not be compelled by political or police authorities to file, withdraw or refrain from filing a particular prosecution. Similarly, a prosecutor should be free to advise that an investigation is legally insufficient, that a charge is unsupported, or that an appeal has no reasonable prospect of success. Professional disagreement with the investigating agency is not institutional failure; it is one of the reasons a separate prosecution function exists.

The Investigation-Prosecution Interface:

Section 20 can improve the investigation-prosecution interface if used correctly. Deputy Directors are expressly tasked with examining and scrutinising police reports in the seven-to-ten-year category. This creates an opportunity for early legal review before an inadequate case reaches trial. Such scrutiny can identify missing evidence, defective charges, limitation or sanction issues, and problems in the presentation of electronic or forensic material. The objective should not be to make prosecutors co-investigators. The prosecutor's role is to provide legal and evidentiary review while preserving the police's responsibility for investigation. Excessive fusion of the two functions risks the very bias that an independent prosecution service is designed to avoid.

Case Management and Trial Delay:

One of section 20's most underappreciated features is its explicit emphasis on monitoring and expediting proceedings. Trial delay is rarely caused by a single institution. Witness non-appearance, incomplete investigation, forensic delay, service of process, repeated adjournments and prosecutor vacancies can all contribute. A functioning Directorate can at least identify where prosecutorial action is required and ensure that serious cases receive administrative attention. However, "monitoring" should be measurable. A monthly report that simply states that cases are pending is of limited value. The Directorate should instead track the age of each serious case, the stage reached, the reason for the last adjournment, the responsibility for the next action, and whether the prosecution has sought appropriate procedural relief. This would convert section 20 from a reporting provision into a case-flow management system.

CONSTITUTIONAL AND JURISPRUDENTIAL DIMENSIONS:

The Directorate of Prosecution cannot be evaluated only as an administrative department. Its work directly affects Article 21 values of fair procedure and the legitimacy of criminal adjudication. The prosecutor occupies a position different from that of private counsel: the object is not conviction at all costs but the lawful and fair presentation of the State's case being a part of the administration of justice system.

Prosecutor as Officer of Justice:

Indian constitutional criminal procedure has repeatedly emphasised fairness, non-arbitrariness and the institutional importance of the prosecuting authority. The prosecutor must represent the State but must not become a partisan instrument of the complainant, investigating officer or political executive. Section 20's hierarchy can strengthen this conception by giving prosecutors a professional reporting structure separate from the police.

Separation from Police:

The historical Haryana experience is particularly relevant here. The official departmental record describes the separation of the prosecution agency from police control in the 1970s. The significance is not merely bureaucratic. A prosecutor who is institutionally independent of the investigating agency can challenge investigative deficiencies without challenging his or her own chain of command.

Executive Accountability versus Independence:

Complete insulation from government is neither necessary nor necessarily desirable. Public prosecution is a public function funded by the State. The better model is structured accountability: government controls resources and broad policy; the Director controls professional prosecution administration; individual prosecutors exercise independent legal judgment within statutory and professional standards; and courts retain ultimate control over judicial proceedings. This arrangement also improves democratic accountability. A prosecution service that can explain its decisions through written reasons and published aggregate data is more accountable than one that is formally independent but institutionally opaque.

IS SECTION 20 A DEAD LETTER OR A GAME CHANGER?

Why It Can Be a Game Changer:

It creates a State-level professional hierarchy rather than treating prosecution as a collection of individual courtroom appearances. It expressly recognises a District Directorate, thereby bringing supervision closer to trial courts. It establishes differentiated monitoring based on offence seriousness. It gives the Deputy Director an express role in scrutiny of police reports. It gives the Director a statutory role in monitoring serious cases and considering appeals. It creates a basis for performance management, digital monitoring and institutional responsibility for prosecutorial delay.

Why It Can Become a Dead Letter:

Section 20(1) leaves establishment to State Government action, permitting uneven implementation. Senior posts can remain vacant even after the statutory framework is in force, as the Delhi High Court experience demonstrated. Home Department administrative control can become excessive if not separated from individual prosecutorial judgment. State-level notifications under section 20(11) may produce divergent standards and uneven institutionalisation. Existing prosecution cadres may be re-designated without genuine change in functions or accountability. No uniform statutory performance framework is prescribed for measuring whether the Directorate actually improves prosecution quality. The correct conclusion is therefore conditional. Section 20 is a game changer in design, but it is not self-executing. It becomes a dead letter when States treat implementation as a nomenclature exercise. It becomes transformative when States create competent officers, district supervision, digital case management and professional independence.

REFORM AGENDA: FROM STATUTORY TEXT TO FUNCTIONING INSTITUTION:**Make Senior Staffing Time-Bound:**

States should adopt statutory or rule-based deadlines for filling Director, Deputy Director and Assistant Director posts. The Delhi experience demonstrates why this matters. A Directorate without its senior supervisory officers cannot fully perform the functions Parliament has assigned to it. Recruitment rules should be prepared before or immediately after cadre restructuring, and vacancies should trigger a formal administrative escalation mechanism.

Create a Minimum National Institutional Standard:

Although section 20 permits State-specific arrangements, the Union and BPR&D could publish a model framework covering minimum functions, staffing, reporting, digital monitoring, training and ethics. States would retain flexibility to exceed the standard while avoiding a situation in which the same statutory provision means substantially different institutional realities across India.

Protect Professional Prosecutorial Judgment:

Rules should expressly state that administrative supervision does not authorise direction in an individual case except through lawful statutory mechanisms. Decisions concerning filing, withdrawal, charge, appeal and litigation strategy should be recorded with reasons and should be capable of professional review within the Directorate.

Establish Digital Prosecution Dashboards:

Every serious case should have a digital prosecution record showing filing date, offence category, investigating agency, prosecutor, stage of proceedings, pending action, last hearing, next action and delay reason. The system should generate alerts for serious cases that remain stagnant. Such a system would make the monitoring obligations in section 20 operational rather than ceremonial.

Specialisation:

State Directorates should develop specialist cells for cybercrime, organised crime, economic offences, sexual offences, offences against children, narcotics-related prosecutions and digital/forensic evidence. Specialist supervision is increasingly necessary because the evidentiary complexity of modern criminal cases exceeds the assumptions of a generalist prosecution model.

Training and Continuing Professional Education:

The seven- and fifteen-year eligibility requirements should be treated as entry thresholds, not as substitutes for training. Directors and prosecutors should receive continuing education in electronic evidence, forensic

science, victim rights, disclosure, witness examination, appellate practice, sentencing and professional ethics.

Annual Prosecution Performance Report:

Each State Directorate should publish an annual report containing aggregate information on serious pending cases, scrutiny of police reports, trial delay, appeals, vacancies, training and institutional reforms. Conviction rate should not be treated as the sole performance metric. A prosecutor who declines an unsustainable case or advises against a meritless appeal may be performing better than one who pursues every case simply to maximise a statistical conviction rate.

District-Level Accountability:

The District Directorate should be the operational centre of section 20. District-level officers should conduct periodic case reviews with prosecutors, police investigators and relevant administrative agencies, while preserving institutional boundaries. The objective should be problem-solving rather than command over investigation.

Transparent Appeal Decisions:

Because section 20 expressly assigns the Director a role in giving opinions on filing appeals, States should establish reasoned appeal protocols. The record should identify the legal issue, evidentiary basis, prospects of success, limitation and public-interest considerations. This would reduce inconsistent appellate decision-making.

Judicial Monitoring as a Last Resort:

Courts should not become permanent administrators of prosecution departments. Nevertheless, the Delhi High Court experience shows that judicial directions can be necessary where prolonged administrative inaction affects the criminal justice system. The better solution is internal accountability that makes judicial intervention exceptional rather than routine.

A PROPOSED IDEAL MODEL FOR SECTION 20 IMPLEMENTATION:

The comparative evidence supports a hybrid model. It should combine Haryana's historical separation, Punjab's service-cadre depth and Delhi's emphasis on formal rules and operationalisation. The proposed model recognises that the Directorate must be both accountable and professionally independent. The Home Department should supply resources and policy support, while the prosecution hierarchy should control professional litigation decisions. This separation would make section 20 more consistent with the role of prosecution as an institution of justice rather than merely an arm of government advocacy.

MAJOR FINDINGS:

Section 20 is materially more detailed than the earlier statutory framework because it specifies supervisory responsibilities and professional eligibility. The District Directorate is potentially the most important structural innovation because it brings prosecution management closer to the trial court. The provision's effectiveness depends heavily on State notifications, recruitment rules and administrative implementation. Haryana demonstrates the value of long-standing institutional separation between prosecution and police. Punjab demonstrates the value and complexity of an established prosecution-and-litigation service that must now be functionally aligned with BNSS. Delhi demonstrates that statutory restructuring without timely recruitment can leave the new institution substantially ineffective. Administrative control by the Home Department is compatible with professional prosecution only if individual prosecutorial decisions remain insulated from improper executive direction. Monitoring must be data-driven; otherwise the

statutory duties to monitor and expedite cases risk becoming paper exercises. Conviction rate alone is an inadequate measure of prosecutorial performance. A successful section 20 model requires staffing, district capacity, professional independence, training, digital systems and transparent accountability together. At the same time, it is required to understand that the letter of Home Department, MHA, Govt. Of India, addressed to DGPs of all States and Union Territories, Dated 12 May 2026 is not in consonance of the object of the criminal justice system which says that the scrutiny undertaken by the Deputy Director of Prosecution under section 20 (8) of BNSS is only advisory and facilitative in nature and also that prosecution authority is not empowered to withhold, approve or mandate resubmission of the police report. The letter also appears as issued without taking into consideration the principles laid down by the Hon'ble Supreme Court in **State of Gujarat v. Kishanbhai, (2014) 5 SCC 108**.

CONCLUSION:

Section 20 BNSS should be regarded as one of the more consequential institutional provisions of the new criminal procedure framework. It does not merely preserve the concept of a Directorate of Prosecution but it also attempts to define a hierarchy, allocate responsibility, create district-level supervision and connect prosecutorial administration with the seriousness of the offence. The provision thereby recognises a basic truth of criminal justice: good prosecution requires institutional management, not merely individual advocacy. The comparative experience of Punjab, Haryana and Delhi, however, demonstrates that legislative architecture does not automatically produce institutional capacity. Haryana's history shows the advantages of separating prosecution from police and maintaining a professional prosecution service over time. Punjab demonstrates how an established prosecution-and-litigation department can provide a strong base for transition, while also raising the question of whether legacy functions and designations have been adequately realigned with section 20. Delhi provides the sharpest warning: despite cadre restructuring, the absence of final recruitment rules left senior Directorate posts vacant and prompted judicial intervention. The later publication of draft rules in 2026 shows that the system can respond, but also confirms that implementation may lag substantially behind statutory commencement. The title question therefore has a qualified answer. Section 20 is not a dead letter. Its statutory design is capable of changing the way prosecution is organised in India. But it is not automatically a game changer either. Its transformative effect depends upon whether State Governments treat the Directorate as a professional institution with defined powers, adequate personnel, technological capacity and ethical independence. The most important reform is to draw a firm line between administrative control and professional judgment. A prosecution service must remain publicly accountable, but its decisions in individual cases should be based on law, evidence and professional standards rather than political or investigative pressure. The Directorate should be judged not simply by the number of convictions obtained but by the quality, legality, fairness and timeliness of its decisions. Ultimately, the success of section 20 should be measured by outcomes experienced in actual criminal courts. If police reports are scrutinised more effectively, serious cases are monitored, weak prosecutions are identified early, appeals are reasoned, prosecutors are professionally supported, and trial delays attributable to prosecution administration decline, section 20 will deserve to be called a game changer. If the provision produces only new titles, vacant posts, circulars and organisational charts, it will remain a dead letter in practice. The decisive question is therefore simple: not whether a Directorate exists, but whether the criminal justice system works differently because it exists. That is the real constitutional and administrative test of section 20 BNSS.

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