

## **A) Training for Law Officers**

Training for Law Officers includes training for Law Officers appointed at Bombay High Court and Benches at Nagpur and Aurangabad and Presenting Officer of the Maharashtra Administrative Tribunal. It also includes Law Officers appointed on contractual basis at subordinate Courts i.e. District Government Pleaders, Public Prosecutors, Additional Government Pleader and Additional Government Prosecutors. The baseline modules for this training can be summarised as under :

### **Need for the Sessions**

1. People's expectations from the State to effectively prosecute the offenders are ever increasing.
2. The Prosecutor conducts the cases on behalf of State.
3. New laws and challenges in their implementation demand capacity building of the Prosecutors to effectively conduct the prosecution.
4. Increasing case-flow, complex laws and legal issues have increased the demand and need for continuing education and professional training for the Prosecutors.
5. Thus, responsibilities of Prosecutor to be more professional are ever increasing.

Hence, this capacity building training for the Public Prosecutors.

### **Selection of the Modules**

1. The Modules are selected by taking into consideration the needs and requirements for make the Prosecutors more professional.
2. The sessions will be from 10.00 am to 05.00 p.m. with one hour lunch between 01.00 p.m. to 02.00 p.m. There will be lectures during the pre-

lunch session. The post-lunch sessions will be utilized for lecture & discussion.

### **Training Modules**

1. Conducting the Criminal Trials: (Lecture and Interaction): Important measures from the point of view of prosecution. Custody, Remand, Bail and Anticipatory Bail. Hearing on Charge (S.226), discharge (S.227), framing of charge (S.228), altering the charge (S.216, 217) and scope of S.222, Cr.PC. Sanction, Consent and Withdrawal. Provisions as to persons of unsound mind (chapter 25. Cr.P.C.)
2. How to achieve best evidence: (Lecture and Discussion): Mode of leading evidence, use of police statements with emphasis on recording of contradictions, corroborations and omissions, the mode of exhibiting the documents. Objections to question or document during evidence.
3. Criminal Appeals and Revisions: (Lecture and Discussion)
4. Sensitization: (Lecture and Discussion): Sensitization of the Prosecutors dealing with cases under POCSO Act, Rape, MCOCA, NDPS and others Sexual Offences, Human Rights, Justice to the Scheduled Castes and Scheduled Tribes, S.C. and S.T. (Prevention of Atrocities) Act and Protection of Civil Right Act.
5. Cases under N.D.P.S. Act and M.C.O.C.A: (Lecture and Discussion).
6. LOR: (Relevant Provisions)

### **Faculty Members**

1. Hon. Judges and Retired Judges of the High Court. A.G.
2. Retired District Judges/and Experienced Prosecutors.

### **Tentative**

Joint Secretary L&J Department/SLA: LOR

**B) (i) Training for Law Officers at High Court.**

Small conference of Law Officers i.e. Government Pleaders and Prosecutors appointed at High Court and Presenting Officers along with Nodal Officers of various Mantralaya Departments is necessary to be conducted in the Mantralaya. The topic may be '*Sharing Best Practices in Government Litigation*'. In previous interactive sessions, various points merged out like communication gap between officers of the Departments and Law Officers which sometimes affect in substantial hearing of the case. It also emerged that problems are occurring in drafting effective affidavit which affects the case, resulting into stricture on the Government. It also emerged that various writ petitions can be summarily dismissed by raising preliminary objections but those are kept on pending due to effective and proper mechanism between the stakeholders. Considering the difficulties faced which are discussed in the interactive sessions, following can be topics for training for Training/Interaction of Law Officers at High Court.

- i) Scope and purview of Article 226, 227 and 482 of the Constitution of India.
- ii) Scope and purview of Section 482 of the Code of Criminal Procedure.
- iii) How to take instructions.
- iv) How to draft effective Affidavit.

- v) Scope of Preliminary Objection and argument about alternative remedy.
- vi) How to read GR and scope of it.
- vii) Understanding Writ Remedy and Scope of PIL.

**(ii) Participants :**

All Government Pleaders, Public Prosecutors, Additional Government Pleaders and Additional Public Prosecutors and Assistant Government Pleader and Additional Government Pleaders of Bombay High Court and Benches at Nagpur and Aurangabad can be included in this training session.

**(iii) Nature of training :**

It will be better and effective if the training session is conducted offline so as to understand the difficulties of Law Officers and to impress upon them the topic effectively. Therefore, it is proposed that the training sessions can be held at Mumbai, Nagpur and Aurangabad respectively. The Joint Secretaries, Law and Judiciary Department of Nagpur and Aurangabad can be assigned this task and report accordingly.

**(iv) Trainers :**

The training lecture can be departed by either of the following dignitaries:

- i) Advocate General for State of Maharashtra.
- ii) Hon'ble Judges of Bombay High Court.
- iii) Hon'ble Retired Judges of the Bombay High Court.

iv) Senior Government Advocate/Public Prosecutors.

**C) Training for Law Officers appointed in the subordinate Courts :**

In subordinate Courts, the Law Officers are required to deal with trial of the cases, bail, petitions and provisions of the Maharashtra Law Officers (Appointment, Conditions of Service and Remuneration) Rules, 1984 in respect of proposal of appeal etc. Recently, it has been observed that the Law Officers in the subordinate Courts should be made aware in detailed about provisions of LOR. Considering the need, following can be the module for Law Officers at subordinate Courts.

Tips for conducting criminal trial especially for Additional Public Prosecutors.

**Proposed Training Module for Government Pleaders/Public Prosecutors/Additional /Asst. P.P.**

1. Maharashtra Law Officers Rules, 1984, (Relevant Provisions).
2. Judicial Precedents about/ in respect of appeal by State /Revision.
3. Principles of Bail.
4. Principles of anticipatory bail.
5. Electronic evidence (relevant to criminal law).
6. Glimpes of
  - Dying Declaration
  - confession
  - Sentencing policy
7. Requisitions to be taken care of while sending proposal.

8. The Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

9. The Rules of Conduct of Legal Affairs of Government of Maharashtra, 1984.

**D) Resource person for training**

Following can be resource person for this training session :

- i) Principal Secretary, Law and Judiciary Department, Mantralaya, Mumbai.
- ii) Retired Principal Judges / District Judge.
- iii) Senior Public Prosecutors.