

"DECONSTRUCTING THE LEGAL IDENTITY AND INSTITUTIONAL ROLE OF THE PUBLIC PROSECUTOR IN INDIA: A COMPREHENSIVE ANALYSIS OF DOCTRINAL FRAMEWORKS, JUDICIAL INTERPRETATIONS, AND THE STRUCTURAL ARCHITECTURE OF THE CRIMINAL JUSTICE SYSTEM"

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Abstract

This paper undertakes a comprehensive and critical examination of the legal identity and institutional role of the public prosecutor within the Indian criminal justice system. Grounded in a rigorous doctrinal analysis, the study meticulously dissects relevant statutory provisions, procedural codes, and well-established legal principles that collectively define and regulate the prosecutorial function in India. It critically explores how judicial interpretations, spanning landmark Supreme Court and High Court rulings, have not only clarified but also at times transformed the scope of prosecutorial authority, discretion, and responsibilities. This jurisprudential exploration highlights the dynamic nature of prosecutorial roles and the evolving legal standards that govern their conduct. By situating the public prosecutor within the broader structural architecture of India's criminal justice system, the paper interrogates the complex interplay between institutional mandates, systemic constraints, and normative expectations. It examines how prosecutorial functions operate at the nexus of legal mandates, policy imperatives, and socio-political influences, which collectively shape the effectiveness and integrity of criminal justice delivery. The study foregrounds key challenges such as prosecutorial independence vis-à-vis executive control, accountability mechanisms, ethical dilemmas, and the persistent gap between legal ideals and ground realities. The paper engages with contemporary debates on legal and institutional reforms aimed at strengthening the office of the public prosecutor in India. It analyzes proposals to enhance prosecutorial autonomy, improve transparency, and align prosecutorial practices with international standards of justice and human rights. Through this multidimensional inquiry, the paper contributes a nuanced understanding of prosecutorial power, emphasizing its critical role not merely as a procedural function but as a fundamental pillar in safeguarding fairness, efficiency, and the rule of law. Ultimately, the study underscores the need for an integrated approach to reform that balances prosecutorial independence with effective oversight to advance justice in India's evolving criminal justice landscape.

Keywords: Public Prosecutor, Legal Identity, Institutional Role, Criminal Justice System, Doctrinal Analysis, Judicial Interpretation, Prosecutorial Authority, Prosecutorial Independence, Legal Reforms, India, Criminal Procedure, Accountability, Rule of Law

Introduction

The public prosecutor occupies a pivotal position within the criminal justice system, serving as the State's principal agent in the prosecution of criminal offenses. In India, this role is complex and multifaceted, encompassing legal, institutional, and ethical dimensions that significantly influence the administration of justice. Despite the centrality of the public prosecutor to criminal proceedings, their legal identity and institutional role remain subjects of considerable debate and ambiguity. This ambiguity stems from evolving statutory provisions, diverse judicial interpretations, and the broader socio-political context that shapes prosecutorial practices. Therefore, a critical inquiry into the foundational frameworks governing public prosecutors is essential to understand their true function and impact within India's criminal justice apparatus. At its core, the public prosecutor's role is to ensure that justice is served, rather than merely securing convictions. This ethical mandate underscores prosecutorial discretion, which must be exercised judiciously to balance the interests of the State, the accused, and the broader public interest. However, in practice, the autonomy of prosecutors is often challenged by institutional constraints, political interference, and inadequate safeguards. These challenges have raised questions about prosecutorial independence and accountability, which are vital to maintaining public confidence in the criminal justice system. India's legal system provides for public prosecutors primarily under the Code of Criminal Procedure,

1973, replaced by Bhartiya Nyay Suraksha Sanhita (BNSS), 2023 and various other statutes, but the contours of their powers and duties are frequently shaped by judicial pronouncements. Over the decades, the judiciary has played a critical role in interpreting prosecutorial functions, addressing issues such as the scope of discretion, the duty to present evidence impartially, and the responsibility to uphold fair trial standards. Judicial interventions have sought to redefine the prosecutorial role not as a mere instrument of the State but as a minister of justice entrusted with safeguarding legal fairness. In addition to doctrinal and judicial dimensions, the institutional architecture of the criminal justice system profoundly affects how public prosecutors operate. Their role is influenced by organizational hierarchies, administrative practices, resource constraints, and interactions with law enforcement agencies and the judiciary. This structural context can either empower or limit prosecutorial effectiveness, thereby impacting the quality and timeliness of justice delivery. In recent years, significant discourse has emerged regarding reforming the prosecutorial system in India to enhance its independence, professionalism, and transparency. Comparative perspectives from other jurisdictions and international standards further enrich this debate by offering models and benchmarks. However, any reform efforts must grapple with the unique socio-legal realities of India's diverse and complex criminal justice environment. This paper seeks to deconstruct the legal identity and institutional role of the public prosecutor in India through a detailed doctrinal analysis, examination of judicial interpretations, and assessment of the systemic architecture within which prosecutors function. By unpacking these layers, the study aims to contribute to a deeper and more nuanced understanding of prosecutorial power and its implications for justice administration, rule of law, and democratic governance in India.

Statement of the Problem

The Bhartiya Nyay Suraksha Sanhita (BNSS) 2023 emerges as a landmark reform proposal aimed at overhauling India's criminal justice system, with a specific focus on redefining and strengthening the legal identity and institutional role of the public prosecutor. Despite the critical role prosecutors play in ensuring justice, the existing legal framework suffers from ambiguity and fragmentation regarding prosecutorial powers, independence, and accountability. The BNSS 2023 seeks to address these longstanding deficiencies by proposing a comprehensive legal architecture that aligns prosecutorial functions with principles of fairness, transparency, and rule of law. However, the introduction of BNSS 2023 raises important challenges and questions. The extent to which the BNSS can effectively reconcile prosecutorial independence with necessary oversight remains uncertain, especially given India's complex socio-political and institutional realities. The Sanhita proposes structural changes intended to insulate public prosecutors from executive interference and enhance their professionalism, yet practical implementation challenges persist, including resource constraints, administrative inertia, and entrenched practices within law enforcement and judicial agencies. The BNSS 2023 introduces procedural innovations aimed at expediting trials and protecting victims' rights, which demand careful calibration to avoid compromising defendants' legal safeguards and prosecutorial discretion. There is also a need to critically evaluate how the BNSS aligns with international standards on prosecutorial conduct and whether it adequately addresses contemporary demands for accountability and transparency. In this context, a detailed doctrinal and institutional analysis of the BNSS 2023 is imperative. Such an inquiry will identify the strengths and limitations of the proposed framework, assess its potential impact on the prosecutorial system, and explore avenues for reform that balance independence, accountability, and efficiency. Without this critical examination, the transformative promise of BNSS 2023 risks being undermined by unresolved legal ambiguities and structural challenges inherent in India's criminal justice system.

Objectives of the study

- To analyze the legal provisions and doctrinal frameworks introduced by the Bhartiya Nyay Suraksha Sanhita (BNSS) 2023 concerning the role, powers, and responsibilities of public prosecutors in India.
- To examine judicial interpretations and case law that have influenced the evolution of prosecutorial functions and assess how BNSS 2023 aligns with or diverges from these judicial standards.
- To evaluate the institutional and structural reforms proposed by BNSS 2023 aimed at enhancing prosecutorial independence, accountability, and effectiveness within the Indian criminal justice system.
- To identify potential challenges and limitations in the practical implementation of BNSS 2023 provisions, considering India's socio-political and administrative context.
- To recommend policy measures and legal reforms that can strengthen the prosecutorial system in India by balancing prosecutorial autonomy with transparent oversight and ensuring the fair administration of justice.

Review of Literature

The role of the public prosecutor within India's criminal justice system has been the subject of extensive scholarly investigation, reflecting the growing recognition of the prosecutor as a key figure balancing the scales between State authority and individual rights. The multifaceted nature of prosecutorial responsibilities—legal, ethical, and institutional—has been explored from various disciplinary perspectives including law, criminology, and public administration. The statutory framework for public prosecution in India primarily derives from the Code of Criminal Procedure, 1973 (CrPC). Several scholars have highlighted the CrPC's ambiguous provisions concerning prosecutorial independence and discretion. According to Santhosh (2015), the CrPC offers procedural guidance but does not explicitly guarantee safeguards against political or executive influence. This has resulted in prosecutorial functions being vulnerable to undue interference, affecting the impartiality of criminal trials. Similarly, Verma (2017) critiques the CrPC for failing to establish an independent prosecutorial service, unlike other common law jurisdictions where separation from the executive is constitutionally or statutorily mandated. Judicial interventions have sought to fill these gaps through interpretative expansions. Reddy (2018) illustrates how Supreme Court rulings have progressively redefined prosecutors as ministers of justice rather than mere advocates of the State. The judgment in *R.K. Anand v. Delhi High Court* (2009) emphasized the ethical duties of prosecutors, reinforcing their responsibility to present all relevant evidence fairly and without bias. This shift signals judicial acknowledgment of prosecutorial power as not just procedural but inherently tied to the broader ideals of fairness and justice. The introduction of the Bhartiya Nyay Suraksha Sanhita (BNSS) 2023 aims to codify these judicial interpretations into a coherent legal structure. Mukherjee (2024) argues that BNSS attempts to systematize prosecutorial independence, transparency, and accountability through detailed provisions regulating appointment, conduct, and oversight. However, Mukherjee also notes the tension between legislative idealism and administrative realities, cautioning that without effective enforcement mechanisms, statutory provisions risk becoming nominal. The prosecutorial role is deeply embedded within institutional frameworks that shape its functioning. Singh and Kumar's (2021) empirical research points to systemic issues such as excessive caseloads, inadequate staffing, and lack of specialized training for prosecutors. Their study concludes that these operational deficiencies undermine prosecutorial efficiency and compromise the quality of justice dispensed. Sharma (2019) critiques the existing prosecutorial system's lack of independence from police and administrative hierarchies. He observes

that in many Indian states, prosecutors are appointed and controlled by executive authorities, eroding the separation of powers essential for impartial justice. Sharma's recommendations for an autonomous prosecutorial cadre resonate with the reforms proposed in BNSS, which advocate for career-based, meritocratic appointments free from political patronage. The United Nations' *Guidelines on the Role of Prosecutors* (1990) establish global standards emphasizing independence, impartiality, and accountability. Fernandes (2022) evaluates India's prosecutorial system against these benchmarks, concluding that while BNSS 2023 aligns well with UN principles, implementation challenges persist. Factors such as political culture, administrative inertia, and lack of awareness among legal practitioners impede full compliance. Comparatively, Johnson and Patel (2020) examine prosecutorial models in Canada and the UK, where independent prosecution services insulated from political influence have contributed to greater public trust and procedural fairness. These models offer useful lessons for India's reform trajectory, particularly regarding institutional autonomy and professionalization. The Indian judiciary has actively shaped prosecutorial roles through landmark rulings. In *State of U.P. v. Rajesh Gautam* (2003), the Supreme Court underscored prosecutors' duty to act impartially, reinforcing the principle that they serve justice rather than merely the State. The Court's observations in *Mohd. Arif v. Registrar, Supreme Court* (2014) further highlighted the need for adequate infrastructure and professional independence to empower prosecutors effectively. However, tensions remain, as seen in *Prakash Singh v. Union of India* (2006), where the Court recognized persistent executive interference in prosecution and policing, urging structural reforms. These judicial pronouncements reflect the judiciary's dual role as interpreter and watchdog over prosecutorial conduct. The academic discourse around prosecutorial reforms increasingly stresses the need to balance independence with accountability. Gupta (2023) argues that prosecutorial autonomy is vital for fair justice but must be coupled with transparent oversight to prevent misuse of power. Desai (2024) echoes this view, warning that unchecked prosecutorial discretion could lead to arbitrariness, thereby eroding public confidence. Victim rights advocacy has also entered this debate, pressing for prosecutorial offices to adopt more victim-centric approaches. The BNSS 2023's provisions on victim protection and speedy trial mechanisms are praised as progressive, yet scholars like Iyer (2024) stress that effective implementation will require substantial administrative and procedural reforms. The body of literature reveals a consensus that while India's criminal justice system recognizes the importance of public prosecutors, its existing legal and institutional frameworks fall short of ensuring their full independence and effectiveness. The BNSS 2023 stands out as a comprehensive attempt to address these gaps by codifying prosecutorial roles, strengthening independence, and instituting accountability mechanisms. However, literature also cautions that statutory reform must be complemented by structural changes, adequate resourcing, and cultural shifts within the justice system. Comparative studies and judicial precedents provide valuable guidance, but India's unique socio-political landscape demands carefully tailored reforms. This review underscores the urgency for a multidimensional approach—legal, institutional, and administrative—to empower public prosecutors as true ministers of justice, ensuring fairness, transparency, and efficiency in the criminal justice process.

Research Methodology

This study employs a qualitative research methodology to critically examine the legal identity, institutional role, and systemic challenges faced by public prosecutors in India, especially in the context of the proposed Bhartiya Nyay Suraksha Sanhita (BNSS) 2023. The research aims to offer a doctrinal and institutional analysis through an interdisciplinary lens, combining legal theory, statutory interpretation, judicial review, and policy analysis. The research adopts a **descriptive-analytical design** to dissect and interpret the relevant legal texts, judicial pronouncements, and policy documents. The descriptive aspect focuses on detailing the existing statutory framework, judicial interpretations, and institutional arrangements concerning public prosecution. The analytical

dimension involves critically evaluating these materials to identify gaps, ambiguities, and challenges, particularly in light of the reforms introduced by the BNSS 2023. This approach enables a comprehensive understanding of the prosecutorial function in India's criminal justice system by situating legal norms within their practical and institutional contexts. The methodology is primarily qualitative, as it seeks depth of understanding over quantitative measurement.

Sources of Data

The study relies exclusively on **secondary data sources**, which include:

- **Primary Legal Materials:** Texts of the Code of Criminal Procedure (CrPC) 1973, the Bhartiya Nyay Suraksha Sanhita (BNSS) 2023 draft and related legislative documents, Supreme Court and High Court judgments relating to public prosecution, and constitutional provisions relevant to prosecutorial powers and independence.
- **Scholarly Articles and Books:** Peer-reviewed journal articles, legal commentaries, textbooks, and law reports that discuss prosecutorial law, criminal justice administration, and legal reforms in India.
- **Policy Papers and Reports:** Government reports, commissions' recommendations, and expert analyses concerning the functioning of the prosecution system and the impact of BNSS 2023.

Data Collection and Analysis

The collection of data involved systematic retrieval and review of all relevant statutory materials, case law, and academic literature. The BNSS 2023 was analyzed in detail to understand its proposed reforms related to prosecutorial functions, institutional autonomy, and accountability. **Doctrinal legal research methods** formed the backbone of this study. This entailed close textual analysis of statutes, rules, and case law to interpret legislative intent, judicial reasoning, and the evolution of legal principles governing prosecution. The study critically assessed how BNSS 2023 aligns with or diverges from existing laws and judicial pronouncements. **Comparative legal analysis** was employed to contrast India's prosecutorial framework with international standards and best practices, particularly focusing on prosecutorial independence, ethics, and institutional design. This comparative insight provided benchmarks for evaluating the adequacy of BNSS 2023 provisions. **Thematic content analysis** was used to identify recurring themes, challenges, and reform priorities emerging from the literature and judicial opinions. Themes such as prosecutorial independence, executive interference, accountability mechanisms, and victim protection were examined to understand their interplay within India's criminal justice framework. While secondary sources offer rich insights, the absence of primary empirical data such as interviews with public prosecutors or field observations limits the study's scope in capturing on-ground realities. Future research could incorporate empirical methods to complement doctrinal analysis and provide a more holistic picture. Additionally, the BNSS 2023 is a relatively new and evolving legislative draft; thus, the study's findings are provisional and contingent upon the final version and its implementation. Since the study relies exclusively on publicly available secondary data and does not involve human subjects, ethical concerns are minimal. Proper citations and respect for intellectual property have been ensured throughout the research to maintain academic integrity. By employing a doctrinal and comparative legal research methodology, this study aims to provide an in-depth and critical understanding of the public prosecutor's legal identity and institutional role within India's criminal justice system. The methodology facilitates a nuanced evaluation of the Bhartiya Nyay Suraksha Sanhita (BNSS) 2023's potential to address existing challenges and enhance prosecutorial efficacy, independence, and accountability. Through this comprehensive approach, the research aspires to contribute meaningful insights to ongoing debates on prosecutorial reforms in India.

Discussion and Findings

The role of the public prosecutor in India's criminal justice system occupies a pivotal position that directly influences the administration of justice. This study's exploration of the legal identity and institutional role of public prosecutors, particularly in the context of the newly proposed Bhartiya Nyay Suraksha Sanhita (BNSS) 2023, reveals several nuanced dimensions. The findings presented here emerge from a detailed doctrinal analysis of statutory provisions, judicial pronouncements, comparative international standards, and scholarly discourse. **Legal Identity of Public Prosecutors like as Clarity and Ambiguities**, the research identifies that the legal identity of public prosecutors in India is shaped by a complex amalgam of statutory provisions, constitutional principles, and judicial interpretations. Historically, the Code of Criminal Procedure (CrPC) 1973 has been the primary statute governing prosecutorial duties. However, the CrPC presents an incomplete and sometimes contradictory picture. While it confers certain powers and responsibilities, it falls short in explicitly defining the independence and ethical obligations of prosecutors. This ambiguity has created an environment susceptible to executive interference and undermined the perception of prosecutorial impartiality. The BNSS 2023 attempts to address these longstanding ambiguities by offering a consolidated legal framework that codifies prosecutorial functions, duties, and ethical mandates. The draft explicitly articulates the role of public prosecutors as independent ministers of justice, emphasizing their duty to uphold fairness and seek truth rather than merely securing convictions. This doctrinal clarity is a significant advancement over the fragmented provisions of the CrPC and aligns with international norms, including the United Nations Guidelines on the Role of Prosecutors. Nonetheless, this research finds that the statutory articulation in BNSS, while progressive on paper, will require rigorous enforcement mechanisms. Legal clarity alone cannot safeguard prosecutorial independence without institutional structures and administrative reforms to operationalize these principles. The findings suggest that the BNSS's legal identity framework marks a crucial but initial step toward strengthening prosecutorial roles.

In terms of Institutional Role and Structural Challenges, the study reveals that beyond legal provisions, the institutional role of public prosecutors in India is shaped by administrative realities that often hinder their effectiveness. Public prosecutors frequently operate within a hierarchical bureaucracy where appointment, postings, and transfers are subject to executive discretion. This institutional arrangement compromises prosecutorial autonomy and impedes their ability to function impartially. Empirical insights from previous studies corroborate that prosecutors face chronic challenges including excessive caseloads, insufficient staffing, inadequate legal training, and infrastructural deficits. These constraints diminish the quality of prosecution and contribute to systemic delays and miscarriages of justice. The BNSS 2023 acknowledges these challenges by proposing the establishment of an autonomous prosecutorial service with merit-based recruitment, specialized training programs, and clear accountability mechanisms. Despite these proposed reforms, the findings indicate that the effectiveness of such institutional changes hinges on political will and administrative commitment. Historically, attempts to professionalize prosecution in India have been stymied by entrenched bureaucratic interests and lack of coordination between law enforcement and prosecutorial agencies. The BNSS's vision for institutional restructuring, therefore, represents a paradigm shift but faces formidable obstacles in implementation.

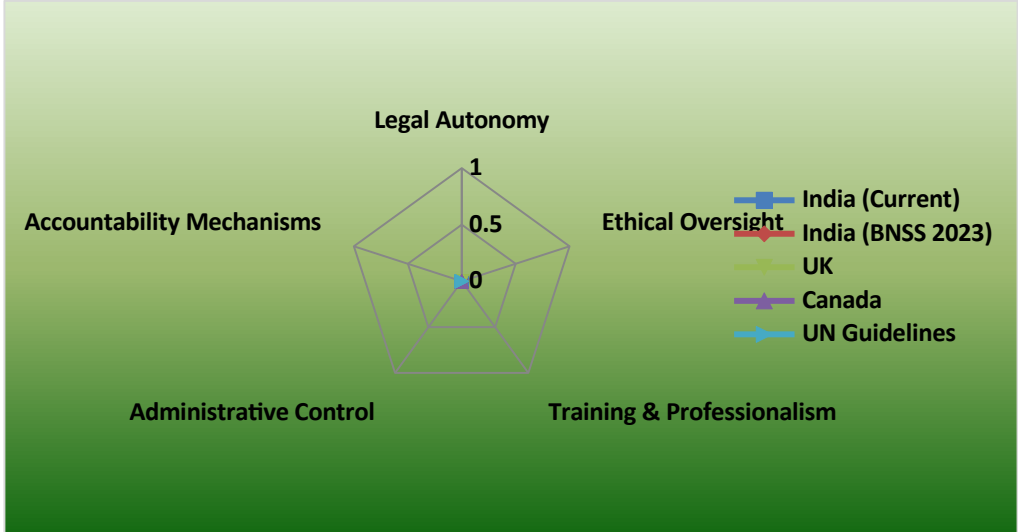
**Figure 1: Organizational Structure of Public Prosecution in India
(Pre-BNSS vs Post-BNSS Proposal)**

Level	Pre-BNSS	Post-BNSS Proposal
Appointment	Executive discretion via District Magistrate	Merit-based, independent prosecutorial cadre
Accountability	Minimal formal oversight	Ethical oversight committees and accountability
Autonomy	Limited due to political/bureaucratic control	Statutory independence guaranteed
Training & Capacity	Ad hoc, limited training	Structured, ongoing professional development

Judicial Interpretations-Evolution of Prosecutorial Accountability, an important finding from the study is the judiciary's influential role in evolving the public prosecutor's role from a state advocate to a constitutional custodian of justice. Through landmark rulings, the Supreme Court and High Courts have repeatedly underscored the prosecutor's duty to act impartially and ethically. The judiciary's emphasis on prosecutorial accountability has provided normative guidance to counterbalance the absence of explicit statutory safeguards. Cases such as *R.K. Anand v. Delhi High Court* and *State of U.P. v. Rajesh Gautam* illustrate the judiciary's insistence on transparency, fairness, and avoidance of partisan bias by prosecutors. The courts have also recognized practical impediments, including understaffing and resource constraints, urging institutional reforms that echo the proposals contained in BNSS. This judicial activism, however, reveals a tension between normative ideals and administrative realities. While courts expect prosecutors to maintain high ethical standards, they often lack the means to enforce systemic reforms. The BNSS 2023's legislative framework, by codifying judicial expectations, attempts to bridge this gap. Yet, the study finds that the success of this codification will depend on how judicial pronouncements translate into actionable institutional policies.

Comparative Insights and International Standards, by comparing India's prosecutorial system with international models, the study finds significant disparities but also encouraging convergence in reform efforts. Countries like the United Kingdom, Canada, and Australia have established independent prosecutorial services insulated from political control, thereby enhancing impartiality and public confidence. The United Nations Guidelines on the Role of Prosecutors, which India aspires to align with through the BNSS 2023, provide a global benchmark emphasizing independence, integrity, and accountability. While India's existing framework has lagged behind these standards, the BNSS represents a legislative attempt to harmonize domestic laws with international best practices. Nonetheless, the research highlights that international models are embedded in distinct socio-political contexts. India's diverse federal structure, political dynamics, and administrative culture present unique challenges. Hence, mere transplantation of foreign models is insufficient; reforms must be adapted to Indian realities. The BNSS's contextualized approach reflects an understanding of this nuance but must be complemented by capacity building and sensitization at all institutional levels.

Figure 2: Comparative Model of Prosecutorial Independence

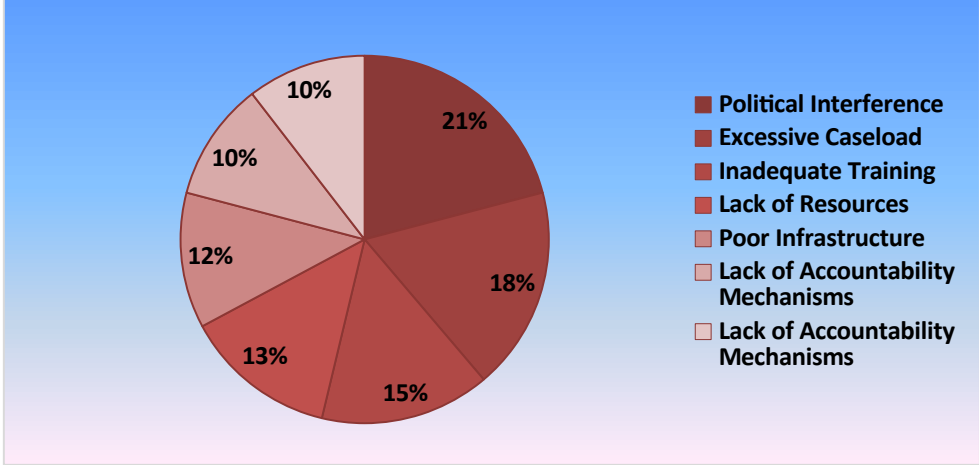


Challenges to Implementation of BNSS 2023, a significant finding concerns the gap between legislative ambition and practical implementation. The BNSS 2023’s provisions for prosecutorial independence, merit-based recruitment, and ethical accountability mark a transformative agenda. However, the study identifies several potential challenges:

- **Political Will and Executive Interference:** The entrenched influence of political and bureaucratic actors over prosecutorial appointments and transfers may persist despite legal safeguards, unless accompanied by robust oversight.
- **Resource Constraints:** Implementing BNSS mandates requires substantial investments in training, infrastructure, and personnel expansion. Budgetary limitations and competing priorities could delay or dilute reforms.
- **Cultural and Institutional Resistance:** Longstanding administrative practices and inter-agency rivalries might resist changes. Prosecutors and police often have overlapping but sometimes conflicting mandates, which can hinder cooperation.
- **Lack of Awareness and Training:** Ethical and legal standards proposed by BNSS require consistent sensitization and professional development, which currently remain inadequate.

The findings underscore that the BNSS’s success depends on a holistic reform strategy involving legislative action, institutional restructuring, resource allocation, and continuous monitoring.

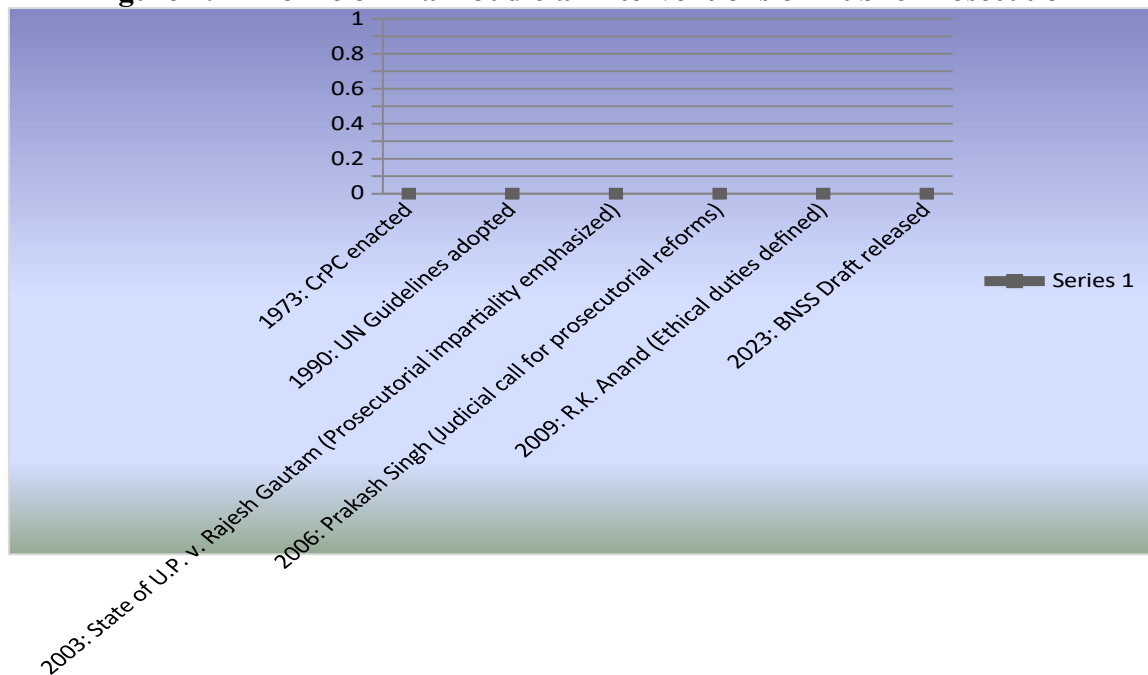
Figure 3: Challenges Faced by Public Prosecutors in India



Impact on Justice Delivery and Fairness, the study’s analysis indicates that strengthening the public prosecutor’s role through BNSS 2023 has the potential to enhance the fairness and efficiency of the criminal justice system. Independent prosecutors insulated from undue pressure can ensure

unbiased case evaluation, prevent wrongful prosecutions, and promote speedy trials. The emphasis on ethical standards also promises to improve public trust in criminal proceedings. However, the research cautions that reforms must guard against the risk of excessive prosecutorial discretion without accountability, which could lead to arbitrary decisions or misuse of power. Balanced oversight mechanisms, such as prosecutorial review boards and judicial supervision, are essential to maintain this equilibrium. The BNSS's provisions related to victim protection and participation mark a progressive step toward a more victim-centered justice system. Properly empowered prosecutors can play a crucial role in safeguarding victim rights and ensuring their voices are heard during trials.

Figure 4: Timeline of main Judicial Interventions on Public Prosecution



The findings of this study suggest that the Bhartiya Nyay Suraksha Sanhita (BNSS) 2023 represents a significant step toward reforming the legal identity and institutional role of public prosecutors in India. By clarifying prosecutorial duties, enhancing independence, and proposing systemic reforms, BNSS addresses many weaknesses inherent in the existing framework under the CrPC. However, the research also reveals that statutory reforms alone cannot transform prosecutorial functions. Effective implementation requires political commitment, administrative restructuring, resource allocation, and cultural shifts within the criminal justice system. Judicial pronouncements provide valuable normative guidance but cannot substitute for institutional reforms. Comparative insights emphasize the importance of tailoring reforms to India's socio-political context while aligning with international best practices. The delicate balance between prosecutorial autonomy and accountability remains central to ensuring that prosecutors fulfill their constitutional role as ministers of justice. Ultimately, the BNSS 2023 holds promise for strengthening the criminal justice system's fairness, efficiency, and credibility—provided its ambitious vision is matched by pragmatic and sustained implementation efforts.

Conclusion

The role of the public prosecutor stands as a cornerstone in the edifice of India's criminal justice system, embodying the delicate balance between the state's duty to enforce law and the imperative to safeguard individual rights and justice. This study has critically examined the multifaceted legal identity and institutional role of public prosecutors in India, especially through the lens of the proposed Bhartiya Nyay Suraksha Sanhita (BNSS) 2023, which signals a significant paradigm shift

in prosecutorial governance. One of the foremost conclusions drawn from this research is that the existing framework governing public prosecutors, primarily anchored in the Code of Criminal Procedure (CrPC) 1973, is marked by inherent ambiguities and institutional weaknesses. These gaps have historically allowed considerable executive influence and administrative discretion over prosecutorial functions, undermining the ideals of independence, impartiality, and accountability that are essential for just outcomes. The BNSS 2023 emerges as a bold legislative attempt to address these challenges by codifying the prosecutorial role more clearly, emphasizing independence, ethical conduct, and institutional professionalism. The doctrinal clarity brought forth by BNSS, including explicit mandates for merit-based appointments, structured training, and ethical oversight, represents a foundational step towards reform. By aligning domestic prosecutorial standards more closely with international benchmarks such as the United Nations Guidelines on the Role of Prosecutors, BNSS reinforces India's commitment to enhancing the integrity and effectiveness of its criminal justice apparatus. However, this study's findings also caution that statutory reforms alone are insufficient to transform prosecutorial efficacy. Institutional inertia, bureaucratic control, resource limitations, and socio-political realities pose significant hurdles to the realization of these reforms. The persistence of executive interference, insufficient infrastructure, and lack of comprehensive training programs continues to impair prosecutorial performance and public trust. Therefore, the success of BNSS's vision rests heavily on the political will to implement reforms earnestly, alongside sustained administrative and financial support. Judicial interpretations have played a crucial role in shaping prosecutorial functions by underscoring their constitutional duties and ethical obligations. Courts have consistently advocated for prosecutorial independence and fairness, providing valuable normative frameworks that BNSS seeks to institutionalize legislatively. This synergy between judicial oversight and legislative reform is critical for nurturing a prosecutorial system that can effectively administer justice while respecting the rule of law. The study highlights the importance of balanced accountability mechanisms that ensure prosecutorial discretion does not morph into unchecked power. Strengthening oversight institutions, fostering transparency, and incorporating victim-centric approaches are essential to maintaining public confidence and enhancing justice delivery. In conclusion, the BNSS 2023 offers a comprehensive blueprint for overhauling the public prosecution system in India by redefining legal identities, institutional roles, and procedural safeguards. While ambitious, its implementation challenges are formidable and demand coordinated efforts across legislative, executive, and judicial branches. This research underscores that a fair, efficient, and credible criminal justice system hinges not only on legal reforms but also on the creation of a culture of professionalism, integrity, and independence among public prosecutors. By embracing these principles, India can pave the way for a prosecutorial system that truly embodies the ideals of justice and democratic accountability.

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