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NOTIFICATION

No. C. 18018/18/2022-HM, the 22nd of May, 2023. In exercise of the powers conferred by section 101 and section 114 of the Mizoram Police Act, 2011 (Act No. 3 of 2012), the Governor of Mizoram is pleased to constitute Police Complaints Authority – (1) at the State level Police Complaints Authority (to be named as State Level Police Accountability Commission) to inquire into public complaints supported by sworn statement against the police personnel for serious misconduct and perform such other functions as stipulated in Chapter XII of the Mizoram Police Act, 2011 and (2) at the District Level Police Complaints Authority (to be named as District-Level Police Accountability Authority) to receive complaints of serious miscondacts and miscondacts against police personnel, as defined in section 108 of the Mizoram Police Act, 2011 and take further action as proved in Chapter XII of the Act.

1. State Level Police Complaints Accountability Commission:

The State Level Police Complaints Accountability Commission shall inquire into public complaints supported by sworn statement against the police personnel for serious misconduct and perform such other functions as stipulated under chapter XII of the Mizoram Police Act, 2011.

- (i) *Composition:* The State Police Complaints Authority shall have five members with a credible record of integrity and commitment to human rights and shall consist of:
- a retired High Court Judge or a retired IPS officer of the level of DGP from another state cadre, who shall be the Chairperson of the Commission;
 - a retired Police Officer, superannuated in the rank of Deputy Inspector General of Police and above;
 - a person with a minimum of 10 years experience either as a judicial officer, public prosecutor, practicing advocate, or a Professor of Law;
 - a person of repute and standing from the civil society; and
 - a retired Officer with experience in public administration from another state:

Provided that at least one member of the Commission shall be a woman and not more than one member shall be a retired police officer.

(ii) *Term of office and conditions of service of members and Chairperson:*

- The term of office of a member, and the Chairperson, shall be three years unless:-
 - he/she resigns at any time before the expiry of his/her term; or

- (b) he/she is removed from the office on the grounds mentioned in section 103 of the Act.
 - (c) Members shall be eligible for re-appointment on the expiry of term provided that no member shall be eligible to hold office for more than two terms.
 - (d) The remuneration, allowances and other terms and conditions of service of the members shall be as notified by the State Government from time to time and shall not be varied to their disadvantage after appointment.
- (iii) *Removal of members* : Any member of the Commission may be removed from office, on the recommendation of the Commission, by an order of the State Government on the grounds of:
- (a) proven misconduct or misbehavior;
 - (b) persistent neglect to perform duties of the Commission;
 - (c) occurrence of any situation that would make a member ineligible for appointment to the Commission under section 103 of the Act, or
 - (d) Any member engaging himself/herself during his/her term of office in any paid employment outside the duties of his office.
- (iv) *Conduct of business*: The Commission shall devise its own rules for the conduct of its business.
- (v) *Staff of the Commission*.-
- (a) Members of the Commission shall be assisted by adequate staff with requisite skills, for efficient discharge of their functions of the Commission.
 - (b) The strength of the staff may be prescribed by the State Government, keeping in view the size of the state, its population, and average number of complaints against the police, and shall be periodically reviewed and revised.
 - (c) The staff shall be selected by the Commission, inter alia, on a contractual basis, through a transparent process.
 - (d) The remuneration and other terms and conditions of service of the staff shall be as prescribed from time to time.
- (vi) *Functions and Powers of the Commission*: The Commission shall exercise its functions as mentioned under section 108 and shall have powers under section 109 of the Act.
2. **District Police Complaints Authority:**
The District Level Police Accountability Authority in each district is to receive complaints of serious misconducts and misconducts against police personnel, as defined in section 108 of the Mizoram Police Act, 2011 and take further action as provided in this Act.
- (i) *Composition*: The District Level Police Accountability Authority shall have three members with a credible record of integrity and commitment to human rights and the chairperson shall be selected from amongst retired persons with judicial experience in the rank of District and Session Judge, a retired senior police officer and a person having legal background or a retired senior civil servant or an eminent person from the civil society as member.
 - (ii) The Chairperson and other members of the District Accountability Authorities will be appointed by the Government. In selecting members of the Authority, a transparent process shall be adopted.

- (iii) Vacancies in the Authority shall be filled up as soon as practicable, and in no case later than three months after the seat has been vacated.
- (iv) The conditions of eligibility, term of office, terms and conditions of service, and conditions of removal from office for the Chairperson and members of the District Level Police Accountability Authority will be the same as that of the State Level Police Accountability Commission.
- (v) The District Level Police Accountability Authority shall be assisted by adequate legal and administrative staff with requisite skills and experience.
- (vi) The Staff shall be selected by the District Level Police Accountability Authority, inter alia, on a contractual basis, through a transparent process.
- (vii) The remuneration and other terms and conditions of service of the staff shall be as prescribed from time to time.
- (viii) The District Level Police Accountability Authority shall exercise its function as per provisions of section 115 of the Mizoram Police Act, 2011 and submit annual report to the State Level Police Accountability Commission before the end of each calendar year as per provisions of section 116 of the Mizoram Police Act, 2011.

H. Lalengmawia,
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Home Department.