



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH

NOTIFICATION

The 17th October, 2022

No. LGL.199/2021/26.— The following Act of the Assam Legislative Assembly which received the assent of the Governor of Assam on 7th October, 2022 is hereby published for general information.

ASSAM ACT NO. XLIV OF 2022

(Received the assent of the Governor on 7th October, 2022)

THE ASSAM POLICE (AMENDMENT) ACT, 2022

AN ACT

further to amend the Assam Police Act, 2007

Preamble

Whereas, it is expedient further to amend the Assam Police Act, 2007, hereinafter referred to as the principal Act in the manner hereinafter appearing;

It is hereby enacted in the Seventy-third year of the Republic of India, as follows:-

Act
No.
XX
of
2007

Short title, extent
and commencement

1. (1) This Act may be called The Assam Police (Amendment) Act, 2022.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of
section 84

2. In the principal Act, in section 84,
 - (i) in sub-section (1), in fifth line, after the word "section 78" appearing at the end, the punctuation mark "." shall be deleted and the following shall be inserted, namely:-
"and misconduct as defined in section 85 of the Act."
 - (ii) for sub-section (2), (3) and (4) the following shall be substituted, namely:-

"(2) The District Accountability Authority shall be constituted with the following members, namely:-

- (a) The Deputy Inspector General of Police/The Inspector General of Police In-charge of the concerned Police Range shall act as the *ex-officio* Chairperson. In case of Police Commissionerate, Guwahati, the Commissioner of Police, Guwahati, shall act as the *ex-officio* Chairperson;
- (b) Member(s) of Parliament representing the concerned Police districts under concerned Police Range/Commissionerate or having ordinary residence in the district(s) of the Police Range/Commissionerate shall be nominated as member(s);
- (c) 4 (four) members of the Assam Legislative Assembly elected from the Assembly Constituencies falling within the concerned Police Range/Commissionerate shall be nominated by the State Government as member;
- (d) The District Superintendent of Police/ Deputy Commissioner of Police of the concerned Police Range/Commissionerate shall be the *ex-officio Member* in respect of the complaints pertaining to his district;

- (e) The Additional District Magistrate or Additional Deputy Commissioner (In-Charge of Magistracy) of the District(s) within the Police Range/Commissionerate shall be the *ex-officio Member(s)* in respect of the complaints pertaining to the concerned district(s);
- (f) 4 (four) members from Zilla Parishad Members within the jurisdiction of Police Range, one member from Chairmen of ULBs (Urban Local Bodies) under the police range and Mayor of Guwahati Municipal Corporation for Kamrup (M) District shall be nominated by the State Government;
- (g) A renowned social worker with legal background to be nominated by the State Government as Member;
- (h) The Staff Officer to the Range Deputy Inspector General of Police, the Inspector General of Police or the Assistant Commissioner of Police(HQ) in the Commissionerate shall be *ex-officio* Member-Secretary;

Provided that at least one member of the Authority shall be a woman:

Provided further that the quorum of the District Accountability Authority shall be 50% of the total Members holding office at any particular point of time."

- (3) Except the *ex-officio* Members, other Members of the District Accountability Authority shall be nominated by the State Government.
- (4) (i) Term of office of the Members of the Authority shall be the following, namely:-
 - (a) The tenure of the office of the Member(s), who are *ex-officio* or public representatives, shall be the same as the tenure of the posts or positions held by them.
 - (b) The tenure of office of the renowned social worker with legal background shall initially be for a period of three years which may be extended by another two years.

(c) The terms and conditions of such nominated members shall be as may be prescribed in notification published in the Official Gazette by the State Government from time to time.

(ii) Removal of Members: The Chairperson and Members of the District Accountability Authority may be removed from the office, at any point of time by the State Government by an order in writing specifying the reasons thereof, consequent upon the –

- (a) proven misconduct or misbehaviour or incompetence; or
- (b) persistent neglect to perform duties of the District Accountability Authority; or
- (c) occurrence of any situation that would make a Member ineligible for appointment/ nomination to the District Accountability Authority; or
- (d) incapacitation by reasons of physical or mental infirmity or otherwise becoming unable to discharge his or her function(s) as a Member of the Authority.”

Amendment of 3. In the principal Act, in section 85, in sub-section (2), in last line, after section 85 the word “notice” appearing at the end, the punctuation mark “.”, shall be deleted and the following shall be inserted, namely:-

“or may cause an enquiry carried out by an officer to be entrusted by the Authority.”

Amendment of 4. In the principal Act, in section 87, for sub-section (3), the following section 87 shall be substituted, namely:-

“(3) When the Commission considers that any of the conditions laid down under sub-section (4) of section 84 of the Act, for the removal of a member has been fulfilled, it shall be competent to request the State Government to initiate appropriate proceedings for removal of that member of the District Accountability Authority.”.

GEETANJALI DAS SAIKIA,

Secretary to the Government of Assam,
Legislative Department, Dispur, Guwahati-6.