

THE ASSAM HOME GUARDS ACT AND RULES, 1947.

Adapted in Meghalaya vide the Meghalaya Adaptation of Laws Order (No.4), 1947 published in the Gazette of Meghalaya dated 30.11.1971 (File No.MCDG.17/1972).

(As modified upto 8th December, 1962)
ASSAM ACT XXIV OF 1947.

* THE ASSAM HOME GUARDS ACT, 1947.

(Received the assent of the Governor on the 20th December, 1947)
(Published in the Assam Gazette of the 24th December, 1947).

Whereas it is expedient to provide a Volunteer organization for use in emergencies and for other purposes in the State of Assam.

It is hereby enacted as follows:-

1. (1) This Act may be called the Assam Home Guards Act.
- (2) It extends to the whole of Assam.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context:-
 - (a) "Home Guards" means a person who is appointed as such under this Act;
 - (b) "Prescribed" means prescribed by rules made under this Act.

- This Act has been applied to the Garo Hills District, vide Notification No.HPL.2/48/3, dated the 7th January, 1948. Subject to certain modifications the Act has also been applied to the former Khasi States including the Shillong Administered Areas, vide Notification No.SK.57/48/18, dated 21st June, 1949.

3. (1) In any revenue district or part thereof in which this Act is in force, the (State Government)1. It may raise in such manner as may be prescribed Home Guards who shall discharge such duties in relation to the protection of the person, the security of property and the public safety or convenience as may be assigned to them in accordance with the provisions of this Act and the rules made there-under.

(2) The Home Guards in the (State) 2 shall, for the purpose of this Act, be deemed to be a single force and the members thereof shall be formally appointed; such force shall consist of such number of officers and men as may be ordered by the (State Government).

(3) The conditions of training and service including an honorarium and board and lodging of the officers and men of the Home Guards shall be such as may be prescribed.

4. (1) Subject to sub-section (2) of section 3 there shall be a Commandant General of Home Guards and for every revenue district, or part thereof, in which this Act is in force one and or more Commandants subordinate to him and such other officers subordinate to them as may be necessary.

(2) The superintendence of the Home Guards throughout Assam shall vest in and shall be exercised by the (State Government)1 through the Inspector General of Police of the (State)2 in such manner and to such extent as may be prescribed.

(3) The administration of the Home Guards throughout Assam shall vest in the Commandant General and in every revenue district or part thereof as the (State Government) 4 may decide, in one or more Commandants.

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extent and
commence

Raising
of Home
Guards

Subordination
and Superinten-
ence

Appointment
of officers.

5. (1) The Commandant General shall be appointed by the (State Government) 1.
(2) The appointment of any Home Guard to an office of command subordinate to that of the Commandant General shall be made in such manner as may be prescribed.

Appointment
of Home
Guards.

6. (1) Subject to the provisions of this Act and to the rules made there under any person willing to serve as a Home Guard and possessing such qualifications as may be prescribed may be appointed a Home Guard.
(2) The Appointment of Home Guards shall be made in such manner and by such authority as may be prescribed.
(3) (a) Every Officer and every man of the Home Guard shall receive on his appointment a certificate in the form annexed to this Act under the seal of the Commandant General in the case of officers and of the Commandant in the case of men, by virtue of which the person holding such certificate shall be vested with the powers and privileges of a Home Guard.
(b) Such certificate shall cease to have effect whenever the person named in it ceases to be a Home Guard and on his so ceasing shall within ten days be surrendered by him to the Commandant General if he is an Officer and to the Commandant in all other cases.

Duties and
Training of
Home
Guards.

- 7.(1) Subject to any rule made in this behalf it shall be the duty of every Home Guard promptly to obey and execute all orders issued to him by any competent authority, to collect and communicate to his immediate superior intelligence affecting the public safety and to prevent the commission of offences against person or property.
1. Substituted by the A.O., 1950 for "Provincial Government".
2. Substituted by the A.O., 1950 for "Province".

(2) Subject to any rules made in this behalf a Home Guard may be required to undergo for a period of not more than two months such training as may be prescribed after which he shall serve as a Home Guards for a period of six months which period may be extended by the (State Government) 1* to a total period of not more than twelve months if the (State Government)1 considers such extension necessary and shall thereafter serve in the reserve for a period of three years and while in the reserve shall be liable to be called out for duty at any time.

Discharge.

8. (1) Every Officer and man of the Home Guards shall be entitled to receive his discharge from the Home Guards on the expiration of his period of service in the reserve; but any such person may before he become so entitled be discharged by such authority and subject to such conditions as may be prescribed.
(2) The prescribed authority may, subject to such conditions as may be prescribed, dismiss any officer or man from the Home Guards.

Uniform.

9. Officers and men of the Home Guards shall wear such uniform as may be prescribed.

Calling out
Home
Guards.

10. The District Magistrate having jurisdiction over any revenue district or part thereof in which Home Guards are raised may by an order made in such manner as may be prescribed call-out any Home Guard for the discharge of any duty assigned to the Home Guards in accordance with the provisions of this Act and the rules made there under.

Controller
over Home
Guards.

11. The Home Guards shall at all times when undergoing training or when called out be under the control and subject to the orders of their officers, and shall when called out be further subject to the general control of the District Magistrate in such manner and to such extent as may be prescribed

12.(1) Subject to the provisions of this Act or the rules made there under a Home Guard when called out under Section-10 shall have the same powers, privileges and protection as an officer of Police appointed under any enactment for the time being in force.

(2) No prosecution shall be instituted against a Home Guard in respect of anything done or purporting to be done by him in the discharge of his duty as a Home Guard, except with the previous sanction of the (State Government)1 or some officer empowered by the (State Govt.)1 in this behalf.

13.(1) Every Home Guards who is guilty of any violation of duty or wilful breach or neglect of any provision of this Act or of any rule or lawful order made by competent authority, or who withdraws from the duties of his office without permission or who on being required to undergo training under section 7 or being called out under section 10 without sufficient cause neglects or refuses to obey the requirement or the order calling him out, or who is guilty of cowardice or offers any unwarrantable personal violence to any person in his custody, or who fails within ten days to surrender his certificate under clause (b) of sub-section (3) of section 6, shall be punishable with imprisonment or either description for a term which may extend to three months or with fine which may extend to two hundred and fifty rupees or with both.

(2) An offence punishable under sub-section (1) shall be cognizable.

14. (1) The (State Government)1 may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for or regulate all or any of the following matters, namely –

(a) All matters which are required by this Act to be prescribed;

(b) The exercise by the Commandant General or the Commandant or other officer of the Home Guards of the powers conferred on District Superintendents of Police in Assam;

(c) The organization, appointment, conditions of service, functions, discipline, arms, accoutrements, clothing and uniform of the Home Guards and the manner in which they may be called out for service or required to undergo training and

(d) The exercise by a Home Guard of any of the powers exercisable under section 12 of this Act.

15. A Home Guard acting in the discharge of his functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian panel Code.

**ANNEXURE
FORM OF CERTIFICATE**

(See Section 6(3)(a))

Name

Son of

Caste

Resident of

has been appointed an officer/ a member of the HOME GUARDS under section 6 (3) (a) of the Assam Home Guards Act,1947 (Assam Act XXIV of 1947). When lawfully on duty, he shall have the same powers, privileges and protection as an officer of Police appointed under any enactment for the time being in force.

Place

Date of appointment.....

Date

Commandant General of the Home Guards, Assam,
Commandant of the Home Guards

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THE ASSAM HOME GUARDS RULES, 1947

1. Short Title :- These rules may be cited as the Assam Home Guards Rules, 1947.
2. In these rules :-

“Act” means the Assam Home Guards Act, 1947 (Act XXIV of 1947)

“Standing Orders” mean the general orders issued as such by the Commandant General in respect of any matters in which he is authorized by the Act or the rules to make such orders

“Area” means a Subdivision or a part of a District for the purpose of the Act and Rules.

3. The Home Guards shall be organized in sections consisting of a Section Commander and nine guards each. Two or more sections but more than four may be united as a platoon under the Commander, a Platoon Commander, and two or more platoon but not more than four as a company under a company commander as provided in the Standing Orders. In each area they shall be under the command of an Area commandant.

3. The Guardsman be known as Desh-Rakshi-Sena, Section Commander as Nayak, Platoon Commander as Jatthedars, Company Commanders as Subedar and Area Commandants as Jila-Adhinayak.

The Commandant General may be known as Dalpati or Sarbadhi-nayak.

4. A person shall be eligible for appointment as a guard if he :-

- (a) is not less than 20 and not more than 55 years of age;
- (b) is not less than feet 5.2 inches in height and has chest measurement (unexpanded) not less than 31 inches (c) can read and in his own Vernacular, (d) is of good character, (e) is not engaged in any course of study in an educational institution; and (f) takes on oath of allegiance to the Government of Assam as laid down in Appendix “Form of Affirmation”.

5. An applicant for appointment shall apply to the Commandant of the guards in his Area of residence in Form A annexed with two certificate of good character from responsible persons and a certificate of his physical fitness from a registered medical practitioner. Every such application shall be scrutinised by the Area Commandant. Every person whose appointment is approved by the Commandant General within the strength sanction in the Standing Orders, shall be granted a certificate in the form annexed to the Act.

6. Appointments to the rank of the Area Commandant shall be made by the Commandant General subject to the approval of the provincial Government. All officers and ranks below the rank of an Area Commandant shall be appointed by the Area Commandant subject to the Approval of the Commandant General.

7. During his period of training which shall not exceed 2 months and when called out on duty, every officer or Home Guard whether on the active or reserve establishments shall receive pay or honorarium at the rate appropriate to his rank, as fixed from time to time by the Provincial Government. He shall also be entitled to receive free board at a cost not exceeding a maximum limit fixed by Standing orders under the Act, or free relations, or a cash allowance in lieu, on the scale laid down for Government servants from time to time.

He shall receive also serviceable uniform and a set of equipment as may be prescribed in Standing Orders.

The rates of pay or honorarium while on active list until altered by order of Provincial Government shall be :-

			Rs.
Home Guards ...	...		28 per mensem.
Nayak	...	...	32 per mensem.
Jatedar	...	...	45 per mensem.
Subedar	...	...	50 per mensem.
Jila Adhinayak	...	...	100 per mensem.

Provided that any officer or guard who desires to serve in an honorary capacity may disclose his intention in writing to the address of his Commandant, and in that case shall not draw any pay.

8. The Home Guards, or any part thereof may be called out on duty by an Order in the form appended, signed by the District Magistrate or Sub-Divisional Officer when in his opinion their assistance is necessary for the prevention of commission of offences, for protection of life and property, for maintenance of services and supplies essential for the life of the community, for the suppression of disturbances for control and regulation of traffic and assemblies for the collection of information, or generally for the assistance of the police in the discharge of their duties.

Provided that any Home Guard Officer of rank not lower than Subedar emergency and if there is insufficient time to obtain the order of the District Magistrate or Sub-Divisional Officer, may call out any part of the Home Guard under his command to provide guards for public property which in his opinion are necessary or to prevent disturbances of the peace; but any such action shall be reported immediately to the District Magistrate or Sub-Divisional Officer.

8. (a) The District Magistrate or the Sub-Divisional Officer as the case may be, will issue a command certificate to the Subedar for himself and others under him, in the following form while deputing them to a particular area of the district or Sub-division :-

COMMAND CERTIFICATE TO BE CARRIED BY HOME GUARDS ON DUTY

Whereas the Home Guards of area have been called out under section 10 of the Assam Home Guards Act, 1947, I, therefore depute the following Home Guards for the performance of the duties in the area shown hereunder.
locality

All concerned are hereby ordered to render them such assistance and co-operation as is due under the law to public servants on duty.

This certificate will remain in force upto (1)

Name of Home Guards	Locality/Area where deputed	Description of duty	Remarks

Deputy Commissioner
Sub-divisional Officer

(1) This will conform with the period for which the Home Guards have been called to duty.

9. The uniform and equipment of Home Guards shall be such as may be laid down in the Standing Orders.

Uniform and equipment may be worn on duty only. These remain Government property; they will be renewed when worn out through fair wear and tear, and will be returned when the guard quits the service. The Cost of any article found deficient or damaged or worn out through unfair use shall be recovered from the guard concerned.

10. The following shall be deemed to be offences against the force :-

(a) disobedience of orders; (b) failure to appear when called upon to parade or for duty at the proper time; (c) use of violence to any member of the force; (d) misuse of any property belonging to the force or to Government; (e) conduct disgracing the force.

11. The following punishments may be inflicted for any offence against the force:- (a) reprimand; (b) extra duty; (c) deprivation of remuneration; (d) suspension; (e) reduction of rank; (f) dismissal.

Any of the said punishments may be inflicted by the Commandant of the Area subject to the procedure laid down for disciplinary proceedings against a member of a subordinate service of Government, provided that an appeal against dismissal shall be to the Commandant General. Any Officer of the Home Guards of or above the rank of Platoon Commander may suspend a Home Guard under his command pending the framing of a charge.

12. A discharge certificate shall be in form B.

Before discharge a Home Guard shall deliver up in good condition his enrolment certificate and all articles of uniform, equipment, arms, accoutrements and other Home Guards property in his charge.

13. Manner of exercising superintendence :-

The superintendence of Home Guards throughout Assam vested in the Provincial Government under Sub-section (2) of section 4 of the Act shall be exercised by it through the Inspector General of Police and in the following manner – (a) the Inspector General of Police shall periodically inspect the Home Guards and submit a report of his inspection to the Provincial Government, (b) all standing orders shall be made by the Commandant General with the previous approval of the Provincial Government, (c) in such other manner as the Provincial Government may, by general or special order, require.

Standing Orders

1. (1) Organization :-

The nomenclature of the ranks of the Home Guards is –

- (a) Officers – Dalapati, Jila Adhinayak, Subedar.
- (b) Other ranks- Jatthedar, Nayak, Des Rakshi Sainik.

2. The Home Guards force shall be divided into units and commanded as follows- (a) A section consisting of a Section Commander and nine men in his charge; (b) a platoon consisting of two sections or more, but not more than four sections in charge of a Platoon Commander; (c) a company consisting of two platoons or more, but not more than four platoons in charge of a Company Commander; (d) a Battalion consisting of two companies or more, but not more than four companies in charge of a Area Commandant.

3. Uniforms :- (1) The following articles of uniform shall be issued to all members of the Home Guards, viz :-

Shirts gray long sleeves with two breast pockets and shoulder Straps	-	-	2
Shorts grey	-	-	1 Pair
Trousers grey	-	-	1 Pair
Forage Cap	-	-	2 Pair
Putties, Short khaki woolen	-	-	1 Pair
Boots, Ammunition black	-	-	1 Pair
Belt, leather-black with brass buckle	-	-	1 Pair
Socks grey woolen	-	-	2 Pair
Hose top woolen khaki	-	-	1 Pair
Lanyard whistle khaki	-	-	1 Pair

The following additional items may be issued when on duty in inclement weather, when available :-

Great coat grey	-	-	1
Water proof	-	-	1
Vest woolen grey	-	-	1

(2) The following pips and badges shall be worn by the Officers and other ranks :-

(a) On shoulders- (i) Commandant General- Two Wheels (as in the National Flag) in the middle, and cross National Flags, (ii) Area Commandant – Two Wheels, (iii) Subedar or Company Commander- One Wheel.

Other ranks- Jatthedars- Three white strips on saffron coloured shoulder straps,
Nayaks- Two white strips on saffron coloured shoulder straps.

N.B. :- All Officers and men of the Home Guards force shall wear shoulder bronze badges engraved as Desh Raskshi, Bahini, Assam. All Officers will be to wear some brown belts and Peak Caps in place of the Caps and belts provided for Home Guards, which will usually be worn by them.

3. (1) Every Home Guard other than an Officer Shall, after his enrolment subject to and within the limits of training facilities undergo a course of training for a period of not more than two months in (a) Foot drill, (b) Arms drill, (c) weapons training, (d) map reading, (e) field craft, (f) musketry courses as for officers and men of the army, (g) legal powers of Home Guards (h) Fire-fighting, (i) Fist Aid.

(2) The syllabus of the aforesaid course of training shall be laid down by a committee consisting of the Commandant General, Inspector General of Police and a non-official member to be nominated by the Provincial Government.

(3) Every Home Guard undergoing the course of training shall receive free board the cost not exceeding Rs.2 per day and lodging and honorarium according to the scale laid down by the Commandant General under Rule 7 which shall have to be approved by the Provincial Government.

(4) The maintenance of discipline, time of regulating drills and the parades and the movement of officers and men of the Home Guards shall be within the competence of the Commandant General in his discretion.

(5) Every sub-division shall normally be expected to raise a corps of 216 Home Guards and 33 Officers immediately as follows :-

(24 Nayaks, 6 Jatthedars, 2 Subedars, 1 Adhinayak or Area Commandant)

FORM A*
(See Rule 5)
Home Guards Enrolment Form

Questions to be put before enrolment	Answers
1. What is your name ?	1.
2. What is your father's name and address?	2.
3. Are you an Indian Subject ?	3.
4. What is your village, Thana and District ?	4.
5. What is your Post Office ?	5.
6. What is your Railway Station ?	6.
7. What is your present trade, profession or occupation ?	7.
8. What is your religion, caste and tribe ?	8.
9. Where are you employed ?	9.
10. What are your educational Qualifications ?	10.
11. What is your age ?	11.
12. Have you ever been convicted by a criminal court, and if so, in what circumstances, and what was the sentence ?	12.
13. Do you now belong to the Indian or Pakistan army the Reserve or the Indian States Forces or the Nepal State Army or the Police Force ?	13.
14. Have you ever served in the Indian or Pakistan army the Reserve, the Indian Defence Forces or the Nepal State Army ? If so, state in which, the period of Service and the cause of discharge ?	14.
15. Are you willing to be enrolled under the Assam Home Guards Act, 1947.	15.
16. Are you willing to undergo training and to perform Service as specified in the Act and to allow no caste usages to interfere with your duty ?	16.
17. Are you willing to serve until discharge as provided in the Act ?	17.
18. Have you ever previously applied for enrolment under the Act, and if so, with what result ?	18.
19. Have you been dismissed from the Armed Forces or the Police ?	19.
20. Are you willing to be vaccinated or revaccinated ?	20.

Signature of applicant.....

Signed in the presence of

Commandant.....

Declaration on acceptance for enrolment.

I solemnly declare that the answers I have given to the questions in this form Are true and that no part of them is false, and that I am willing to fulfill the engagement made.

Signature

Certified that the applicant understands and agrees to the conditions of enrolment.

Signature of enrolling Officer.....

Date of enrolment

Form of Affirmation

I, solemnly affirm that I will be faithful and bear true allegiance to the Government of Assam and that I will as in duty bound honestly and faithfully serve in the Home Guards and go wherever I may be ordered and I will observe all lawful commands of any officer set over me even to the peril of my life.

.....

Duly affirmed before me.

Signature of Attesting Officer

.....

Dated Designation

Medical Certificate.

		Feet	Inches
Height
Chest, Normal
Chest, expanded
Identification marks

I consider this man fit/unfit for service in the Home Guards.

Signature of Medical Officer

.....

Place

Date

Designation

.....

Form -B
(See Rule 12)

Discharge Certificate

This is to certify that No. Rank
Name..... was enrolled in the 19, and was
discharged on He is discharged by order of in
Page 17 of 19 consequence of under Rule 12 of the Rules framed
under the Assam Home Guards Act, 1947.

Character
Periods of training attended
Particulars of embodied service, if any
Father's name Village
Post Office Thana District
Address
Verified or not

Station

Dated

(Commandant General)

FORM C *

(See Rule-8)

Command Certificate

Whereas an emergency has arisen, I,
District Magistrate of in exercise of the powers vested in me
by section 10 of the Assam Home Guards Act, 1947, hereby all out the Home Guars of
..... Area.

(Seal)

.....

District Magistrate
